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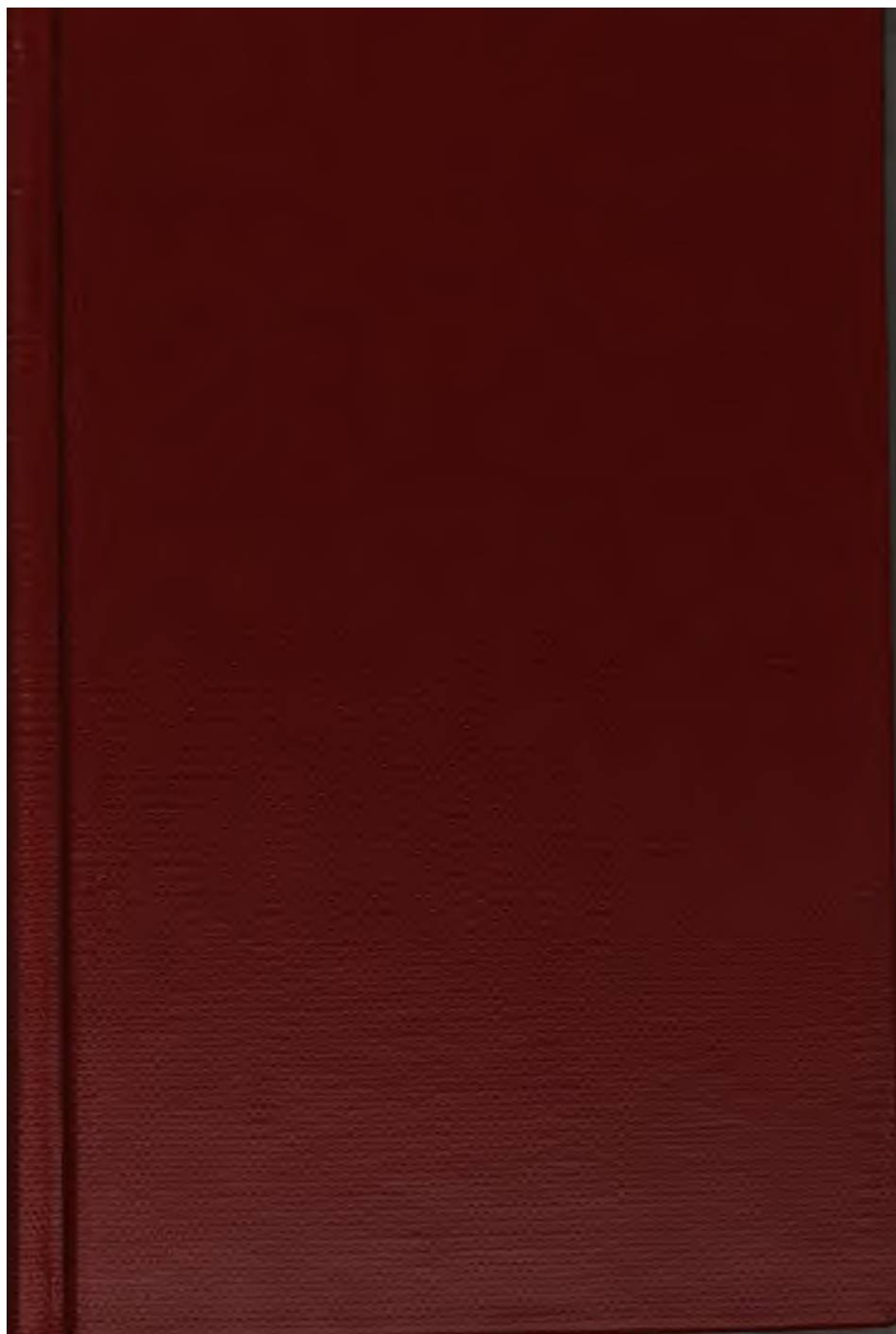
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THE ARMY.



WINFIELD SCOTT,
GENERAL-IN-CHIEF.









WINFIELD SCOTT,
GENERAL-IN-CHIEF.





AN ACCOUNT
OF THE
ORGANIZATION
OF THE
ARMY OF THE UNITED STATES;
WITH BIOGRAPHIES OF
DISTINGUISHED OFFICERS OF ALL GRADES.

BY FAYETTE ROBINSON,
LATE AN OFFICER OF THE ARMY.

With Thirty-Six authentic Portraits.

IN TWO VOLS.—VOL. I.

PHILADELPHIA:
PUBLISHED BY E. H. BUTLER & CO.
1848.

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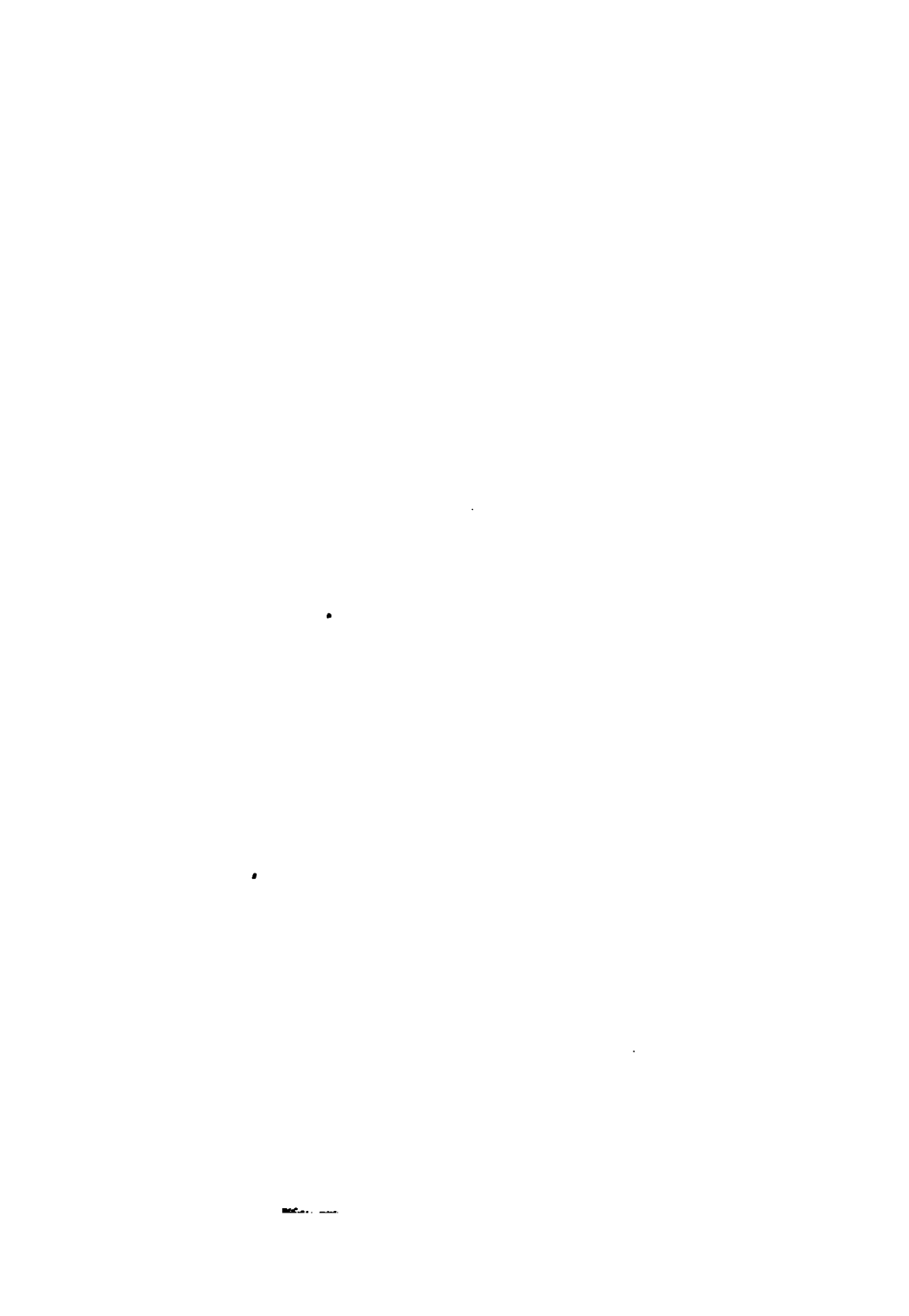
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E. H. BUTLER & CO.

Philadelphia, Nov. 20, 1947.

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TO
THE PEOPLE OF THE UNITED STATES,
THESE RECORDS OF
THEIR FAITHFUL SERVANTS,
THE MEN AND OFFICERS OF THE ARMY,
ARE INSCRIBED BY
THE AUTHOR.



P R E F A C E .

I HAVE written this book to fill a vacuum in the history of our country—to preserve if possible the memory of the services of many distinguished men, the achievements of whom were apt in the general annals of the United States to be overlooked. Ever having thought that any individual who perfectly performed all the duties of his office was entitled to the highest commendation his Country could confer on him, I have sought to do justice to a large class of our citizens with whom I have passed no small portion of my early manhood, because I believe, though the least pretending, they are among the most meritorious, and at the same time the most neglected of the community.

A prominent feature of this book is a description of the separate arms of the line and corps of the staff, nothing similar to which has as yet been printed.



It was my design to write a complete military history of the nation, treating the subject chronologically; but I determined subsequently to adopt the form of an essay, with biographical sketches, believing that I could thus more fully express my own ideas. Besides, though there be now in the line of the regular army no officer who fought either at New Orleans, the battle of the Thames, and many other battle-fields, the separation of the regular and permanent military establishment from the volunteer service, made a natural division of the whole subject, which was the history of the nation's defence. In another book I have purposed a history of the volunteers of the United States in the Indian disturbances previous to, during, and subsequent to the war of 1812-15, which would connect many who have sealed their devotion to their country with their blood in other contests, with those the details of whose services have scarcely yet grown familiar to the public ear.

For this reason therefore it is that I have not touched on the conduct of the volunteers in Florida or in Mexico, and have scarcely adverted to the extra regiments recently authorized by Congress. An account of them would have made the book too volumi-

PREFACE.

nous, and made it difficult for me to preserve distinction between corps and armies which I sought to maintain.

The recent achievements of our army in front of the city of Mexico have caused some interruption in the plan. The first volume had already been stereotyped and the second nearly concluded, when the accounts of those battles were received. I have therefore been obliged in the sketch of General Worth to treat of things which more properly had been contained in the history of the brilliant career of the general-in-chief.

I think the illustrations of this book will attract much attention; they have all been made from undoubted authorities, the majority after daguerreotypes by Mr. Clarke (late Anthony Edwards & Co.), of New York, and Mr. Root, of Philadelphia. A few have been taken from pencil sketches by distinguished artists and officers of the army. The collection is believed to be one of the most perfect yet presented to the public. The engravings have been made by Messrs. Croome and Brightly, and certainly will not detract from the high reputation they have acquired.

I will add here, that the annals of our own army

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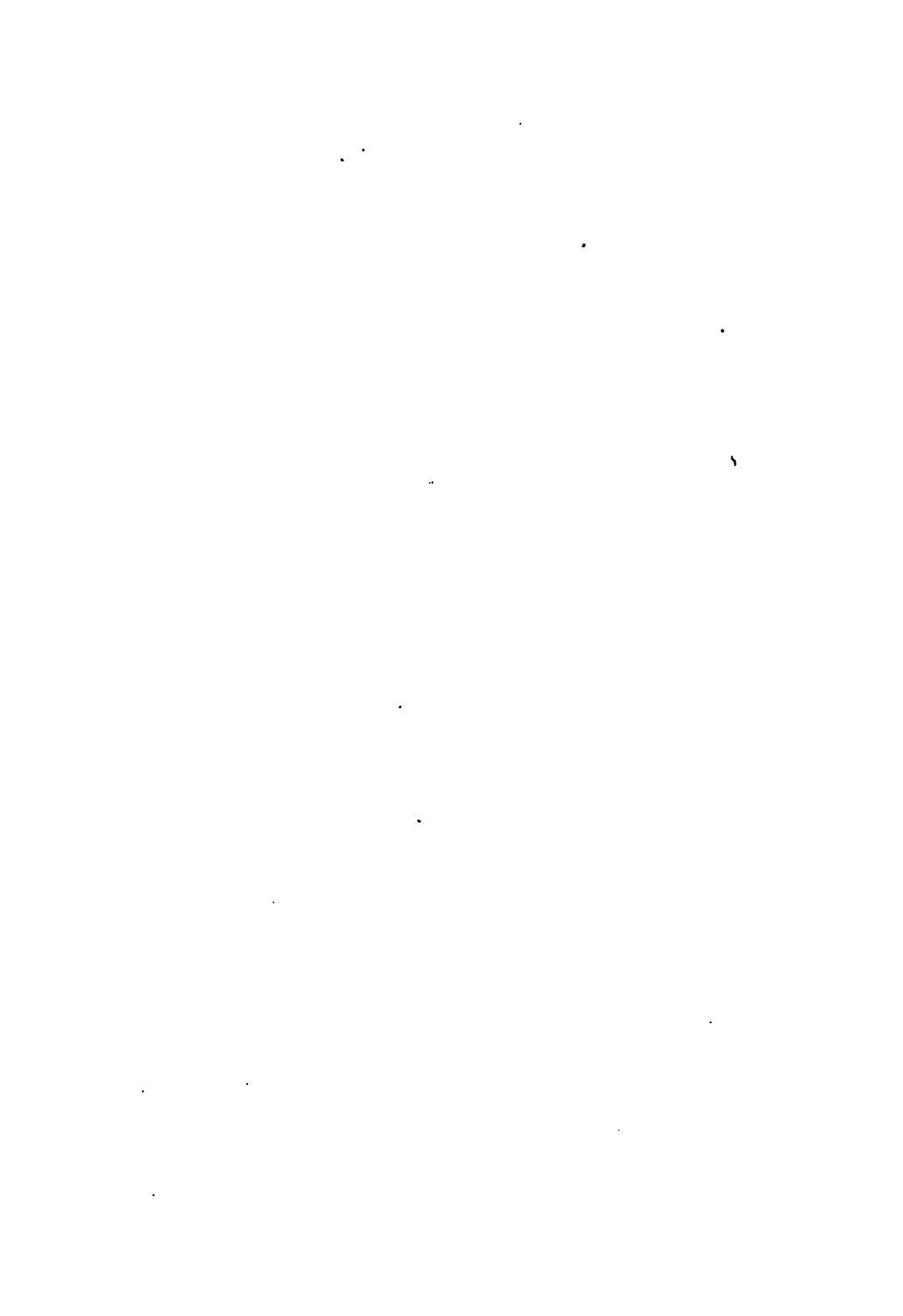
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BOOK I.

ORGANIZATION.

They had a strong force of men at armes and foote, with many brave!
FROM-----



CHAPTER I.

Prejudice against a standing army—Peaceful influence of the revolutionary army in the formation of the constitution—War with France—War with England—Florida war—Origin of present army.

THE founders of our country and authors of the organic laws of the land we live in, bequeathed to the people of the United States a prejudice against a military establishment, deep-seated and universal. The memory of the colonial *regime*, uneffaced by the many years of subsequent prosperity, the recollection of that "step-mother's grasp," have kept this feeling vivid as when triumph first made a halo around the eagle of America. Let no one, however, fancy that on this account "the republic" is disposed to forget its soldiers. For the history of the past shows conclusively, that those who in times of war and danger have stepped forward to defend her, have always received the highest honors in seasons of safety and peace. The profession of arms has always been looked upon as a high and honorable career, illustrated by the stern and more than Roman virtue of Washington, the philosophy of Hamilton and Marshall, the amenity of Monroe, and the chivalric daring of Jackson. When we look back at the long array of names that have added dignity both to the cuirass and *toga*, we shall be satisfied that there is a deep sympathy in the American people with its soldiers, whom it honors as gallant men, because it is brave; as it placed at Washington's feet the insignia of command, because it was virtuous; and esteemed Marshall one of

its brightest ornaments, because the great heart of the nation was pure.

For a long series of years, when Europe bristled with bayonets, when the first object that arrested the attention of the traveller in any other land was the sentinel, it was the proud boast of the United States that they had no army and needed none. Strong in their position and natural advantages, while the world was convulsed with the fall of thrones and dynasties, and when every ship that crossed the ocean brought news of a battle lost and nation overthrown, they prospered in power and wealth. While France sought the unattainable, the subjection of Europe, star after star was added to the Union, and that princely domain which the French statesmen before the revolution had seen torn from the realm of their king, passed peacefully but for ever beneath the sway of those forlorn states which the unfortunate Louis XVI. had so condescendingly patronized. The world could not understand this paradox. Amazed at this peaceful conquest, statesmen foretold the coming of a day, when, at the breath of danger, the power of the new confederacy would pass away as rapidly as it had risen, and predicted enervation and impotence for that people which thrived by what ruined others, and had found beneath the shadow of the palm of peace that aggrandizement they sought amid the alarms of war.

They were mistaken. When the French emperor was, like Prometheus, doomed to his chain and rock at Elba, by the behest of that prince who assumed the *baton* of "grand marshal of Europe," the veterans of the Peninsular campaigns landed on our shores, anticipating an easy victory. They were met by a people warlike as the dragon's brood, and after a long war, retired bearing with them as their only trophies the

plunder of the village of Washington, and the recollections of Queenstown and Lundy's Lane, of Forts Erie and Stephenson, of Baltimore and New Orleans.

Soon after General Washington laid down his command and made to his companions in arms that farewell address, which terminated his connection with the participants in his glory, the army of the confederacy was nearly all disbanded. The officers who had won the liberty of their country, and the admiration not only of the nation but of the world, separated, and the Spartan band was diffused through the territory of Thirteen Republics. They were lost amid the primeval shadows of their forests, and opened pathways through the unexplored wilderness of the prairies. When difficulties which might have been foreseen arose, when the old confederacy found its many arms like those of Briareus, except that no trunk supported them, no one mind directed them ;

When the present was dark, and the future was spread
Like a chaplet of thorns round *its* slumberless head ;


they remembered their Union under the guidance of their honored chief, and imparted to the people a desire for an imitation of that band. It cannot be doubted that to the influence of those bronzed and scarred warriors the institution of the present government is to be attributed. All ties of kindred fade into insignificance compared with that which unites men who have ridden boot to boot, or, shoulder to shoulder, have resisted the charging squadron. The general upon whose head the snows of sixty New England winters had fallen, and the stalwart captain whose cheek was bronzed by the sun of Carolina and Virginia met as brothers ; when statesmen convened to discuss that civil pact, educated

and virtuous men recognised the right of those who had won that liberty to perpetuate which the congress was assembled, to utter first their opinions in relation to what was the "captive of their bow and spear." By virtue of this condescension, honorable to the statesman as the soldier, do we recognise the voices of Colonels Hamilton, and Marshall, and Monroe, Generals Lee and Sumner, in the deliberations of the convention which formed the American constitution.

The Father of the first American liberty, was the first chief magistrate of the Union; and the warring kings and populace of the old world respected the land made holy by his rule, as the petty tyrants and oligarchs of Greece honored the oracle at Delphi. The ambitious French republic, which hoped for all things, but feared and respected nothing else, did homage to the virtues which La Fayette and Rochambeau had worshipped, and at whose command thousands of the brave grenadiers of France had fought. These were too numerous to be heedlessly trampled on; they had borne to every hamlet in France, the glory of that name which was become a watchword of humanity. French ambition, which had planted the republican eagle over the throne of the successor of St. Peter, shrunk from the idea of arraying it against the flag of the nation over the destinies of which Washington presided.

The first consul was wise. A people true to themselves cannot be conquered; and had Bonaparte arrayed himself against the republic, though then in but the infancy of its strength, the records of his career might have been far more brief than history now presents them.

The elder Adams succeeded Washington. The gradual encroachments of the French government (God forgive it for assuming the style and title of republic!) con-



vented into enemies a nation of friends. The Oxford army was raised without difficulty or even effort. The old soldiers of the revolutionary war came from their quiet homes, and with them, not unfrequently, a group of boys who had imbibed from those they most loved a patriotic fervor, anxious to raise once more the old war-cry, and sing the old songs of independence.

That army never took the field, but with Washington at its head, with Wayne, Lee, and Knox as his subordinates, it must have triumphed.

The war with France was essentially a war of paper, with the exception of the two brilliant naval victories won by that other and honored arm of the nation's defence. They were the connecting link between the victories of Paul Jones and the glory won before Tripoli, and not the least of that series of triumphs which have made the marine of the United States so great a favorite.

The Oxford army was disbanded, and the men and officers who composed it were again lost in the bosom of the people. When, as has already been said, the British troops invaded America, they were beaten back by the army raised subsequent to 1808, and the American flag was borne into Canada farther than the cross of St. George into the United States. When peace was secured, the mass of the army was again disbanded; and, following the example of the men of the revolution, returned to the homes whence they came to perpetuate the memory of its services, and to revive, when any emergency arrived, the spirit of their countrymen, and direct their energies to the sphere where they might be needed, for the defence of the soil.

Peace came with the year 1815, and the army was partially disbanded. In 1821 a yet greater reduction

was made, which left the defence of a nation, the territory of which reached from the Madawasca to the mouth of the Sabine, along the shores of the Atlantic and the Mexican sea, and along the great lakes to the Pacific, to four regiments of artillery and seven of foot, with a proportionate staff. To command all of this were retained but four officers above the grade of colonel. It will be seen that this army contained neither horse, light artillery, or riflemen, three corps which in all the previous history of the nation had been more conspicuous than the others only because the nature of the country had afforded them greater opportunities, but which were absolutely necessary to the perfect organization of even the skeleton of an army.

Of this force, Major-General Brown was the chief, with Generals Winfield Scott and Edmund Pendleton Gaines as brigadier-generals. It is not too much to say that three braver or worthier soldiers never drew their swords, or merited more the applause and approbation they have received from their countrymen.

A long period of peace ensued, only interrupted by the occasional forays of the Indians on the frontier, until the war with the Seminoles and Mickasukies in Florida occurred. The events of this harassing contest made it obvious that an increase of the army was absolutely necessary. At this point the history of the present army commences.

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JACOB BROWN,
The First General-in-Chief.

Handwritten text in a cursive script, likely from a 17th or 18th-century manuscript. The text is arranged in approximately 25 lines, though many are illegible due to extreme blurring. The script appears to be a form of German or Dutch cursive. The paper is aged and discolored.

CHAPTER II.

Strength of the army at the commencement of Florida war—
Increase—Line and staff—Series of reports and official communication—Organization of regiments and companies—
Adjutant-general's department.

WHEN the Florida war broke out in 1834, the army of the United States consisted of the staff, one regiment of dragoons, four of artillery, and seven of infantry, commanded by a major-general and two brigadiers. The staff was composed of many branches, each of which to the civilian may need some explanation.

Since then the number of regiments of the army of the United States has received but little permanent increase, but one regiment of dragoons, one of infantry, and one of mounted riflemen having been added to it. The staff, however, has been quadrupled.

All officers of both line and staff hold their commission from the president, by and with the advice of the senate, which is in every case consulted before the commission issues, except in the instance of cadets of the military academy whom the president is authorized to appoint second-lieutenants *by brevet*, if there be no vacancies in the grade of second-lieutenant. This brevet, however, it will be seen hereafter is not a commission.

The staff and line of the army are distinct, yet united. The former have high functions and important duties which contribute to the well-being of the whole, but have no command. The latter are distinctly officers who belong to corps. A more plausible distinction would be to call the officers of the army, officers of

corps and of regiments ; they are not, however, thus distinguished. Officers of the line owe to each other a regular accountability, the colonel being responsible to the general, the lieutenant-colonel to the colonel, and the major to his colonel. Here the direct system ceases, the captain reporting to his colonel through the adjutant, and the subalterns, or two grades of lieutenants receiving their orders directly from the captain of their troop, battery, or company. Each regiment is an integer, the staff officers of which are accountable to their colonel alone, who makes his reports to the general of his brigade, through its peculiar staff. The brigadier in a similar manner reports to the general-in-chief through the adjutant-general of the army.

Every regiment is a miniature army. It has all the constituents of the largest body of troops ; its colonel, a commander of the right and left wings, its adjutant, who is to the colonel what the adjutant-general is to the chief of the whole army. Its quartermaster, commissary, and a surgeon attached to it, form the department of the surgeon-general. It is calculated to act alone, or to be fused into brigades and divisions. In a word, a regiment is a unit of which larger bodies are composed, and battalions, grand divisions, and companies the fractions.

Each regiment should consist of two battalions, each battalion of two grand divisions, and each grand division of two companies. The divisions may be carried yet farther, each company (of infantry) being composed of two platoons, each platoon of two sections. The tactics of the American army contemplate three ranks, but in point of fact there are but two ; so that the company of infantry in the field may be thus described : two men make a file ; four men two files ; eight men a half section,

commanded by a corporal; sixteen a section, the proper chief of which is a sergeant; thirty-two a platoon, commanded by a subaltern officer, and the company sixty-four, at the head of which is the captain, called in the German, Prussian, and, it is believed, Russian service, Ritt-master. It is true companies sometimes consist of larger numbers, but sickness, guard duty, prisoners, and the police, rarely permit any captain to command more than sixty-four men. The author, as commander of a troop of dragoons, has borne on his muster-roll but thirty-two rank and file, while his was the strongest of four troops commanded by a lieutenant-colonel.

By the term rank and file are meant enlisted men, from the fact that commissioned officers, when the company moves to the right or left, march with the captain on the left or right of the front rank, and subalterns on the reverse side of the rear rank. A commissioned officer, except the captain or officer acting as such, can never be placed in the rank or line of the enlisted men.

Each company of infantry or foot soldiers—and all other arms are assimilated to this—consists of one captain, one first and one second lieutenant, four sergeants, four corporals, and a number of privates which should never be less than fifty, even in times of profound peace.*

The captain is the head of a company. He has charge of its records, of the muster-rolls, made out at the expiration of every other month of the year, beginning with the 28th or 29th of February; of the register of the enlistments, and consequent expiration of service of every non-commissioned officer and private of his company. He in the American army is the custodian of the

* In a company of artillery there are two of each of the grades of subalterns.

arms and apparel of the troop, and of a large amount of property intended to replace them on the occurrence of many contingencies. He is the chief of his men, bound to counsel and advise them, and, in many instances which unfortunately will occur, practically bound to protect their rights with his own sword. An officer who while in command of his company would see his men oppressed by either senior or junior, is altogether unworthy of his commission, and in the American army could not hold his rank one week.

To assist him in the discharge of these many and laborious functions, he has subalterns of the two grades. Each of these are chiefs of platoons, technically, though it is believed that the theory of platoon officers is by no means eliminated by practice. Such at least was not the case but a few years since. Each platoon being subdivided into sections, a sergeant should command one of the latter, whose command, again divided, would require a corporal for each subdivision. Many of these, however, are simply theoretical; and rarely, if ever, are the gradations of command carried lower than that of captain, to whom every member of the company is directly and immediately responsible.

It must, however, be remembered that the soldier is as rigidly bound to obey the orders of the non-commissioned officer as of the major-general. The universal rule admitted in the service is, that the last order must be obeyed. If a general should give a private an order at meridian, any corporal might give a contrary order ten minutes afterwards (being responsible for the same), which the private would be bound to obey. Even under these circumstances, disobedience of the corporal's order would be a military offence punishable by sentence of a court-martial.

Besides the colonel, there are three other officers, a lieutenant-colonel and two majors, called field-officers. Were all the officers of a regiment present, and all the companies united, the lieutenant-colonel would command the right wing or right half, and the major the left wing or left half of a regiment. Such, however, is rarely the case, the colonel commanding his whole regiment directly, and the field-officers junior to the colonel occupying to him the same position relatively which the subalterns of a company do to the captain.

In the army of the United States, the adjutant is a lieutenant, either temporarily or permanently separated from his company, according to the arm or corps,—an aid or means of communication between the commanding officer and the regiment. The quartermaster, commissary, surgeons, &c., are officers detached from their several staffs, and assigned to duty with the regiment. They occasionally have rank in the regiments with which they serve, and also a higher rank of a peculiar kind, called *brevet* rank; of which, more anon.

Usually on duty at every garrison is an ordnance sergeant, a veteran and tried soldier, promoted after long service in the line, to a sergeantcy in the staff. This grade is well paid, treated with much consideration, and as a body is worthy of the position it occupies.

In addition to the enlisted men of the companies of every regiment are the non-commissioned staff, composed of the sergeant-major or sub-adjutant, the quartermaster sergeant, and the principal musician. The first two are enlisted men promoted for good conduct from the first sergeants of companies, and though not promoted *of right* to commissions, have not unfrequently at the instance of their colonels received that compliment. The first sergeant of every company has direct inter-

course with the men which compose it, and is the medium of communication of all orders between the adjutant and colonel and all the members of his company, whether commissioned or enlisted. Such is the line of the army, at present consisting of two regiments of dragoons, one of mounted riflemen, four of artillery, and eight of infantry, permanent, and not to be disbanded except by an act of congress. During the session of the congress of 1846-47, ten additional regiments were authorized, having rank and command, but not promotion with the veteran regiments. Of these one was equipped as dragoons, one as foot riflemen and voltigeurs, and the other eight as infantry.

The staff consists of the adjutant-general's department; the inspector-general's; the quartermaster's; the commissary-general's; the surgeon-general's; the engineers; the topographical engineers; ordnance; pay department, and the purchasing department, the functions of each of which are as distinct as possible, yet defined by the customs of the service far more than by positive law or order.

The duties of the adjutant-general are of the most important character. It is the medium of communication between the commander-in-chief and general-in-chief, and officers of all grades. No order affecting the discipline of the whole army is valid, unless signed by the adjutant-general, or, in case of his absence from duty, by some officer authorized to act *ad interim*.

To his office are made returns of the numerical force of every detachment of the whole army. Of the presence and absence of officers, of their health, position, and the hundred minute circumstances which are compressed in the sphere of no other department. He is the direct recipient of all reports from commanding

officers, and his office is the ultimate receptacle of every document of a general nature emanating from the whole army. To him all official despatches, reports of marches, reconnoissances, records of court martials, &c., are sent, so that it is by far more easy to define what is not than what is his duty.

The adjutant-general has the direction of the recruiting service, a duty become onerous indeed, now that the regular term of enlistment is suffered to be varied from by persons willing to serve only through the war. Originally the term of enlistment was for five years, but subsequently was reduced to three. In 1838 the law again restored the old term of five years.

At the head of this department is an officer holding the rank of colonel of cavalry, subordinate to whom are several juniors with the rank of major of the same arm. There are also many other members of this branch of the staff, who have the brevet rank of captain, retaining **commissions as subalterns of regiments.** As this is the first occasion we have had to refer to the question of brevet rank, it may be well to explain what it is and what is its effect.

CHAPTER III.

Brevet rank—Its origin—Effect in the English service—Dispute about it.

BREVET RANK is an imitation of a species of military rank which exists in the British army, and there owes its existence to the exertion of the sovereign authority. When the source of all honor, the king, pleases to promote any officer, though there be no vacancy or opportunity to make one, into which the object of favor can be advanced, the monarch has but to issue his *fiat*, and the officer is promoted. Consequently there may exist in that service a regiment with ten companies, but with eleven or more officers of any one grade. Any officer thus promoted is said to be *breveted*, a phrase derived through the French from the Latin word *brevis*, signifying *short*.

In the British service the breveted officer has all the privileges of those who have been promoted in the regular way, commanding and taking precedence according to his brevet on all occasions. It is, however, held that a brevet officer cannot sell out this royal favor, but if anxious to leave the service, must content himself with disposing of the commission he held in the line of his regiment, according to its proper organization. The reason of this is obvious. Brevets are rarely conferred in England, and only on occasion of great events and national rejoicings, when the oldest and most faithful officers are thus honored. To reward them the government vio-

lates the rules it has laid down to define the organization of its military forces, but does not permit the temporary evil to be perpetuated, as it would were the brevets transferable. There is no limit to the number of brevets thus conferred, which are in fact commissions.

In the army of the United States the case is different. The president here is the mere executive, and not the fountain of honor, which exists only in the will of the people as declared by positive law. The president cannot issue a commission to any officer, except to fill a vacancy in a regiment or company already organized. For instance, if there were fifty regiments or corps of the line in service, there would be fifty colonels, and though a man should be found with the valor of Ney and the military skill of Turenne, he could not be promoted without a gross and great assumption of power by the president.

Were the government disposed to reward him, it could only do so by the means of a brevet. For this there is in the law of the country no authority except that clause of the rules and articles of war which says, that a brevet shall not hereafter be conferred without the advice and consent of the senate. The first brevet conferred in the army of the United States, was on the present Major-General Taylor, during the war of 1812, for his gallant defence of Fort Harrison. He, then a captain, received the brevet of major, and from this well-earned rank was drawn a precedent which has been productive of more trouble than any other one event which has occurred in the army.*

Before the war was over, many brevets had been con-

* Brevets were previously conferred in the revolutionary army, but by the exclusive authority of General Washington.

ferred,—in every instance, it is believed, on gallant and meritorious men. The army was then a young one; there was but little knowledge of the theory of military rank, and its members were satisfied when they learned that a brevet commission conferred the right to command in Europe, that it should do so here. They did not analyze the origin of that power of which they were the representatives; nor did they appreciate the difference between an officer who held his commission by virtue of an exercise of royal will and themselves, who existed in consequence and by authority of law.

When, however, matured by service, they had begun to understand their position, captains doubted the right of their juniors in the line to command them by virtue of a *brevet*. The old colonel, who had served long, naturally hesitated in yielding obedience to his lieutenant-colonel, who had by the chances of war become a brigadier-general by brevet.

The dispute was long and angry, and finally the rules and articles of war were revised, without, however, settling anything except that on boards, courts of inquiry, and courts martial, brevet rank took effect; in which the whole army at once acquiesced. A clause which said something about brevet rank taking effect when troops of two corps met, was not so easily understood, and, as the case might be, was sometimes interpreted in one manner, sometimes in another.

An anecdote which tells the story of a dispute which occurred at a post on one of the northern lakes, will illustrate the difficulties which originated in consequence of this abnormal rank.

At the post referred to, was a battalion of infantry, composed of four companies, commanded of course by the highest officer in commission, on duty, who chanced

a captain. One of the junior captains, however, med to have received for gallantry and good conduct on many occasions, during the war, the brevet of . The captain in command was also an officer of stion, second in merit to none in the army. His quent career has fully sustained the promise of his and almost boyhood. It is remarkable, also, he two officers referred to are *essentially* the Bay- of the service, and occupy in the roll of the army almost the same relative position they then held th other. A court-martial was ordered to convene post. As has been before stated, it had been set- already, that on duty of this kind, brevet rank took . It may be asked what reason is there that it should served on one species of duty, if not on all? The t major, however, presided at the court, with his anding officer below him, as the next member. question was a novel one, and the major, in the course milar conversation, probably at the garrison mess, ased some doubts as to whether, during the session e court, he should obey the orders of his command- ficer. In every garrison, as in every other *co'serie*, is always some ill-natured person, anxious to make ief; and this familiar chit-chat was at once reported e person whom it most concerned. The command- ficer was a soldier essentially, who would not listen y coquetting about rank or its privileges, and at despatched an order to his junior, which it was sary at once for him to obey, or assume an attitude b, if he were not sustained in it, placed him in the ion of mutiny. It need not be said that he did not ate, but obeyed the order. A subsequent reference e matter, led to personal conflict and long subse- t apparent hostility. This mask is now thrown

aside; they are said to be firm friends, and all who know them, must be aware that two such brave and gallant gentlemen must love each other.

According to the interpretation of this brevet rank, a captain might march at the head of his company, with his subalterns in their places. If one of these officers chanced to have a brevet of captain older than his superior's commission, and the command were joined, or in the words of the regulations, "chanced to meet" a detachment of another regiment, the captain would be commanded by a member of his own company. So with a regiment or any other body of troops. It once occurred in Florida, previous to the war, that the gallant Gen. D. L. Clinch, while colonel of the regiment in garrison there, found that his lieutenant-colonel, Brooke, held a brevet of brigadier-general, which, if the iniquitous system were carried out, would, in case one company of militia had been mustered into service, have placed him in command of the territory. Two admirable officers and accomplished men were thus arrayed in an antagonism which must have led to difficulty, had not their strong good sense and mutual respect prevented it.

A more recent conflict will be remembered by all, which caused the gallant Worth to resign his commission, and thereby lose all participation in the battles of Palo Alto and La Resaca. The president of the United States then decided that brevet rank was invalid against a positive commission, which settled the matter during the present administration and war. It is, however, sure, that with a new president, the old *res vexata* will be again revived, and, in consequence of the many brevets made in the course of the Mexican war, will be discussed with as much acrimony as ever.

CHAPTER IV.

inspectors-general—Their duty and rank—Acting inspectors-general—Brigade inspectors—Division inspectors—Medical staff—Its grades—Duties—Peculiarity of appointment.

THE next branch of the staff in dignity, and the only other one whose functions are purely military, is that of the Inspectors-General. This is the smallest of all the departments of the service, being composed of but two officers, each of whom has the rank of colonel of cavalry.

It is their duty to make frequent visits to the various military posts and *corps d'armée*, to make inspections of the *personnel* and *materiel* of the army, to report on the condition and efficiency of the other staff corps, and to inquire into the discipline and drill of the forces. They may report on anything—the character, moral and physical, of officers, nature of defences, health of posts, and the countless minutiae which make up the sum of the service. Their reports being the result of individual examination, are of course only valuable as such, in proportion to the estimate placed on the character and standing of the inspectors-general.

These officers are attached to the person of the general-in-chief, and there is little doubt that, *in theory*, the senior inspector-general is the chief of the staff of the army, though seniority of date of other colonels, and the high commission of the quartermaster-general, would frequently postpone their precedence to other staff-officers.

The inspectors-general are, however, rarely in the field *permanently*, belonging to the whole army, not to any *corps d'armée*, and being required so frequently to attend to duties in such widely different parts of the country. In their absence it is usual to detail or detach temporarily, some field-officer to discharge their duties to a particular army. The officer so detailed is almost always made chief of staff; such at least has been the case with the acting inspectors-general of each of the four armies sent under Generals Scott, Taylor, Wool, and Kearney, to Mexico and California.

This system of inspection formerly existed in detail in the whole service, brigade-majors and inspectors, and division inspectors, occupying to their brigades and divisions a similar position to that of the inspectors-general and officers acting as such to the army, and its great detachments. From the circumstance, however, that the military forces of the United States have for many years been much separated, and that a whole regiment has rarely been united for any long time, these officers became useless and for many years have been discontinued. In the interim the duty of inspection has been confided to the inspectors-general of the whole army, and the generals and other officers commanding military departments and territorial divisions.

Next in dignity is the medical staff, consisting of but three grades: the Surgeon-General, Surgeons, and Assistant Surgeons; the latter of whom replaced the old surgeon's mates who existed during the revolutionary war and the war of 1812, when this important arm of the public service was modelled in imitation of that of the navy.

No one of the departments of the staff of the army has more important or more arduous duties to perform

than this ; and no one who has ever served, will recollect the medical staff but with feelings of the utmost kindness. It need not be said that this staff has exclusive charge of the sick and hospitals, of medical supplies, &c. It is also called on to watch over the condition of the subsistence of the army, to see that the commissariat issue rations of good quality, and that when they pass to the kitchens of the troops, they be properly prepared. It should be consulted in the location of all military posts, and suggestions from it, in relation to the police of camps and garrisons, should be punctually attended to. The condition of public wells, the opening and closing of streams and water-courses, it should not neglect. The two most rigid disciplinarians, perhaps, in the army, always kept up a direct and cordial intercourse with the surgeons of their commands ; and it is not unlikely to this circumstance much of the great efficiency of them is to be attributed. No one commander has ever suffered himself to be estranged from his surgeon without inflicting a great injury on the public service.

The quota of medical officers to a full regiment is a surgeon and two assistants. When a regiment is subdivided and stationed at different posts, there should be at least one to every detachment, and, if possible, two ; for doctors, like other men, are liable to all the maladies which flesh is heir to.

Connected with the medical army, are a small number of enlisted men who have rank as sergeants, and are called hospital stewards. These are in fact apothecaries,—have immediate charge of hospitals and of the execution of the surgeon's orders within the hospital, of which he not only has charge in a medical point of view, but is the military chief, in as absolute a sense as

a captain is of the quarters of his company. The many other attendants needed in the hospital are supplied either by detail, as all other of the exigencies of service are, or are men assigned to the duty for their peculiar fitness, at the request of the medical officer or officers.

In point of talent and efficiency, both as surgeons and military men, the medical staff of the army is second to none in the world; and has not only contributed to the comfort of the establishment to which it is attached, but also to the cause of humanity, by its general devotion to science.

The surgeon-general, surgeons, and assistant surgeons of course have no command, but an assimilated rank has been assigned them, as follows: The surgeon-general has precedence, according to date, with colonels of cavalry, the surgeon with majors, assistant surgeons who have served more than five years, with captains, and all others with first lieutenants of cavalry. The pay and rations of these officers are graduated according to their length of service, surgeons after ten years receiving increased allowances, and assistant surgeons after five.

This staff is liable to no duty but what is strictly its object, with the exception that its members are frequently placed on boards of survey, commissions, &c., where medical principles are required to enter into the circumstances of the affair in question.

As has been said, all officers hold their commissions from the president, "by and with the advice and consent of the senate." The executive may make a general of the veriest poltroon, but something more is required for a surgeon. Before a young man can receive the commission of assistant surgeon, he must pass an examination by a board of old surgeons, who, actuated by *esprit de corps*, so rigidly scrutinize his pretensions, that, to

their honor be it said, it is believed, since the passage of the law requiring this test, not one incapable member has entered the staff.

To this regulation a retrospective effect has been given, by requiring all assistant surgeons, before their promotion to be surgeons, to pass yet another examination. This latter scrutiny has forced from the service the few incompetent men who previously had, by means of political influence, without being prepared, obtained commissions in the medical staff. This regulation was established during the administration of John Quincy Adams, and has been a lasting benefit, not only to the medical staff, but to the whole army, inasmuch as it has saved thousands of brave men from the knives and anathemas of professional bunglers. It is sometimes regretted that all the officers of the army are not similarly examined, especially as commissions now are not restricted by rule or practice to cadets of the military academy.

CHAPTER V.

Pay department—Its officers—Manner of payment of enlisted men—Of officers—Pay of a major-general—Of all other grades of men, &c.

THE Pay Department of the army may be appropriately referred to next. It consists of a colonel who is the Paymaster-General, and a number of Paymasters who have no command, but rank and precedence as majors. They are strictly officers of the bureau—men of papers—yet among them are found some of the best soldiers in the army. The functions and duties of this branch of the staff will probably be best understood by the non-professional from a description of a payment.

On the 28th or 29th of February, and on the last day of every alternate month, the men and officers of every regiment and detachment of the army are paraded for muster and inspection. They appear in full uniform, with knapsacks or valises, and all their trappings. The regiment, squadron, or battalion having passed in review, is wheeled into open column, and the colonel or mustering officer, whoever he be, after examining the field and staff, advances to the front of the company at its head. The commander of the company then opens his roll, previously prepared, and beginning with the name of the person next in rank to himself, calls slowly and distinctly every name it contains. Each officer answers to his name, dropping, as he replies, the point of his sword, and the enlisted men, if of horse, sheathing their sabres, and if of foot bringing their muskets or

rifles to the order. Each company is then similarly gone through, and those men who from sickness or other reason were unable to attend, he visits personally, either at the hospital or elsewhere. His duty requires him to see every man at his post, and the absentees are reported, on detached service, absent without leave, &c.

Fair copies of this roll are then made, one of which is retained in the office of the adjutant, the bureau of the regiment, and the other sent to the head-quarters of the army, after having been carefully examined and certified by the commandant of the company and the mustering officer.

When the paymaster arrives at the post with his clerks, he computes the pay due every enlisted man according to this roll, on which are recorded the monthly pay and all stoppages by sentence of court martial from broken equipments, extra issues of clothing, &c., and setting down the amount in a separate column, notifies the commanding officer when he is ready to pay the troops of his camp or garrison.

The men are then marched to the spot where the payment is to be made. There they find their captain, and usually the other officers of their company or troop. With them is also an individual known as the Sutler, to whom, as his name has not occurred before, a paragraph may appropriately be devoted.

The great majority of the military posts of the United States are in lonely places, beyond the pale of civilization, where the thousand luxuries of life would be unattainable, unless it were made the duty of some one to minister to the comforts of life by providing them. Even when stationed in large cities, the soldier would be unable to obtain what he requires, being paid only at long intervals of time, unless some peculiar arrangement

in his behalf were made. It is therefore the custom of the service to issue to some suitable person the appointment of sutler. This is a mere privilege, without rank, pay, or emolument, other than that derived from the profits of his business. It is the duty of the sutler to keep on hand all goods required by soldiers, and, on frontier posts, such miscellaneous articles as he may be asked for.

The sutler is therefore a tradesman, following the camp, and there is always one attached to every regiment. Not unfrequently the number is increased, so that there shall be one to every two or more companies or troops. The sutlers are the only persons permitted to sell to the men of the bodies of troops to which they are respectively attached.

This is a monopoly, and, without care, would expose the sutler to great temptation and the men to much extortion, there being no competition to keep his prices within bounds. To check this, the following course is adopted: When an invoice of goods is received at any post, the commanding officer orders the three officers next in rank to himself to convene as a council of administration, examine the articles and affix to each a reasonable price. Even with this check, the sutler realizes large profits, and more than one fortune has been frequently amassed within a very short time. The appointment is frequently conferred on disbanded officers of the old army, and (certainly in one instance) on the widows of officers who have died without leaving an adequate provision for them. Sutlers are frequently complained of as exorbitant and unreasonable in their charges; but it is the opinion of a majority of those who have served, that they are "more sinned against than sinning."

To resume the subject of the paymaster's duties. The

paymaster having seated himself at the head of the table, the commander of the troop or squadron places himself on his right, while the sutler, with his books, occupies the left hand. The men are then called in, according to their rank, if non-commissioned officers, and alphabetically, if privates. The amount of pay due each is stated by the captain from one roll, compared with the calculations of the paymaster from the other. By the regulations of the army, the sutler is prohibited from crediting any man beyond the half of his monthly pay, or, if he does so, it is at his own risk. The sutler's bill, if within these limits, is paid, and the rest of the money is handed over to the soldier, who forthwith signs a receipt in full to the United States, up to the date of the roll on which he is paid.

In this sketch of payment, no mention is made of commissioned officers, who draw their pay on accounts made out by themselves, and certified to on honor. The monthly pay of the army is as follows :

A major-general commanding in chief receives as pay two hundred dollars per month. This is manifestly insufficient for an officer who has so many and so great expenses ; but it is by no means the sum of this officer's emoluments. The government is bound to supply sustenance to every one in its employment ; and in the military service of Europe, this was long done technically in kind. In other words, a quantum of food was issued to every member of the military establishment. To enlisted men, this is yet done. After a time, however, officers ceased to draw this provision, but received its value *en lieu*. At length, extra rations were issued, increasing in number as the officer rose in rank ; until now, in the American army, a major-general is entitled to receive fifteen rations, or the subsistence of fifteen men per day. By

statute, these rations are commuted at twenty cents each ; making an increase, in the substantial pay of the officer, of three dollars per day, or ninety dollars per month of thirty days.

A general officer is required of course to be mounted ; and as he should be prepared for every exigency of service, more than one horse is required to enable him to attend to his duty. The law allows him to draw forage for seven, at eight dollars per month, each ; making a farther increase of fifty-six dollars per month. The general, if he please, may draw this forage in kind from the quartermaster, either for a part or the whole of his cattle ; in which case, he is not entitled to the commutation. This can scarcely be considered an emolument, as no officer can draw forage for horses, unless he certify that *he has actually had them in service*.

A major-general is entitled to four servants, for whom he is entitled to draw seven dollars each per month ; one ration, worth six dollars ; and two dollars and fifty cents, the value of a soldier's clothing ; in all fifteen dollars and fifty cents.

The pay and emoluments of a major-general are, therefore, per month of thirty days :

| | | | | | | |
|------------------|---|---|---|---|---|-------------------|
| Pay proper, | - | - | - | - | - | \$ 200 per month. |
| Subsistence, | - | - | - | - | - | 90 " " |
| Forage, | - | - | - | - | - | 56 " " |
| Servants' hire, | - | - | - | - | - | 28 " " |
| " subsistence, | - | - | - | - | - | 24 " " |
| " clothing, &c., | - | - | - | - | - | 10 " " |
| | | | | | | <hr/> |
| Total, | - | - | - | - | - | \$ 408 |

There are some other emoluments also, among which are fuel, stationery, and when on duty without troops a commutation for quarters, which generally is large and liberal.

Under certain circumstances the subsistence of the major-general (not that of his servants) is doubled, making his monthly pay and emoluments worth four hundred and sixty-six dollars.

This system pervades the whole army, every commissioned officer, with but two exceptions, receiving his pay and emoluments in this form. The object of the adoption of this complex method, is probably the simplification of the accounts of the various departments of the army, which, from the annual appropriation, receive one sum for subsistence, another for pay, forage, and other wants and necessities.

A brigadier-general receives per month one hundred and four dollars of pay proper, twelve rations, worth per month seventy-two dollars; forage for five horses, worth forty dollars; pay, &c., for three servants, worth together forty-six dollars and fifty cents.

The sum of the pay and emoluments of this grade, therefore, are per month :

| | | | | | | | | | |
|----------------|---|---|---|---|---|---|---|---|------------------|
| Pay proper, | - | - | - | - | - | - | - | - | \$ 104 00 |
| Subsistence, | - | - | - | - | - | - | - | - | 72 00 |
| Forage, | - | - | - | - | - | - | - | - | 24 00 |
| Servants, &c., | - | - | - | - | - | - | - | - | 46 50 |
| Total, | - | - | - | - | - | - | - | - | <u>\$ 246 50</u> |

This officer, like all others, has emoluments, which vary in different regions and latitudes. He very generally receives what are called double rations, which increase the sum total by seventy-two dollars per month.

The following table gives succinctly the pay of the whole army, by which the reader can easily ascertain

the remuneration of every individual in the service. It is derived from an official source and is correct :

| | Pay. | Rations. | Horses. | Servants |
|------------------------------------|--------|----------|---------|----------|
| Major-general, - - - | \$200 | 15 | 3 | 4 |
| Brigadier-general, - - - | 104 | 12 | 3 | 3 |
| Colonel of cavalry, - - - | 90 | 6 | 3 | 2 |
| Lieutenant-colonel of cavalry, - | 75 | 5 | 3 | 2 |
| Major of cavalry, - - - | 60 | 4 | 3 | 2 |
| Captain of cavalry, - - - | 50 | 4 | 2 | 1 |
| Lieutenant, - - - - | 33.33½ | 4 | 2 | 1 |
| Colonel of artillery and infantry, | 75 | 6 | 3 | 2 |
| Lieutenant-colonel of do. - | 60 | 5 | 3 | 2 |
| Major, - - - - - | 50 | 4 | 3 | 2 |
| Captain, - - - - - | 40 | 4 | | 1 |
| First Lieutenant, - - - - | 30 | 4 | | 1 |
| Second Lieutenant, - - - | 25 | 4 | | 1 |

All staff-officers receive dragoon pay, with the exception that they have forage for a smaller number of horses. The surgeon-general receives the fixed salary of two thousand five hundred dollars per annum, as does also the paymaster-general.

Surgeons of ten years' service and more receive sixty dollars per month, eight rations, forage for one horse, and pay, &c., for two servants.

Surgeons of less than ten years' service, the same pay and rations, excepting that they receive but four rations. Assistant surgeons of less than five years' service receive fifty dollars per month, four rations, forage for one horse, and pay for one servant; assistant surgeons of more than five years, the same pay proper, eight rations. one horse, and pay for one servant.

The quartermaster-general has the rank of brigadier, and all the pay and allowances. He also receives double rations permanently. The adjutant-general and commissary-general have the rank, pay, and emolu-

ments of colonels of cavalry. They also receive double rations, or did so till very recently.

Certain officers receive under certain circumstances higher pay. Every major-general has two aides-de-camp, taken from the subalterns of the line, who in addition to their pay in line receive twenty-four dollars per month and forage for two horses, if they do not belong to the cavalry; in which case there is obviously no necessity for this last addition. Aides-de-camp to a brigadier-general have an additional pay of twenty dollars per month, and also forage for two horses.

There is in every regiment an adjutant, who is a subaltern and aide of the colonel, who receives in addition to his lineal pay, ten dollars; if of an infantry or artillery regiment, he also receives forage for one horse. It frequently happens that an officer of the commissariat cannot be spared, in which case it is usual to assign the duties of each to a subaltern, who receives, as extra pay for them, twenty dollars per month. There were formerly assistant quartermasters selected from the subalterns, who received extra pay while acting. These officers, however, are now commissioned with the brevet rank of captains of cavalry, the pay of which grade they receive. There are officers of the adjutant-general's and quartermaster's department, and commissariat, who have the rank and pay of majors, lieutenant-colonels, and captains of cavalry.

The following is the several pay of all grades of enlisted men:

| | Per month |
|--|-----------|
| Sergeant-major of dragoons or other cavalry, - - - | \$17 |
| Quartermaster's sergeant, - - - - - | 17 |
| Chief bugler, - - - - - | 17 |
| First sergeant of company, - - - - - | 16 |
| Sergeant, - - - - - | 13 |

| | Per mon. <i>£</i> <i>s.</i> |
|---|-----------------------------|
| Corporal, - - - - - | 10 |
| Farrier, - - - - - | 11 |
| Bugler, - - - - - | 10 |
| Private, - - - - - | 8 |
| Sergeant-major of infantry and artillery, - - - | 17 |
| Quartermaster's sergeant, - - - - - | 17 |
| Principal musician, - - - - - | 17 |
| First sergeant, - - - - - | 16 |
| Sergeant, - - - - - | 13 |
| Corporal, - - - - - | 9 |
| Artificer of artillery, - - - - - | 11 |
| Musician, - - - - - | 8 |
| Private, - - - - - | 7 |

Hospital stewards of posts of more than four companies receive eighteen dollars per month ; of less than four companies sixteen dollars. The veteran sergeants, known as ordnance sergeants, separate from companies, receive, in addition to the pay of a sergeant in the line (thirteen dollars), five dollars, the sum of which is eighteen dollars.

There are a few other adjuncts of pay worth mentioning. Any officer of or below the rank of captain commanding his company is entitled to draw ten dollars per month extra, for the responsibility of clothing, &c.

Every officer of or below the rank of colonel is entitled to charge on his pay-roll an extra ration for every five years' service in the army. Thus a colonel who had been twenty-five years in the service would charge for five rations, or one dollar extra per day. General officers are specially exempted from making use of this emolument, which, however, applies to all other grades.

The laws of the country require that all payments be made in *specie* ; and for many years, if this rule has been varied from, it has been at the request or with the consent of the officer or soldier.

CHAPTER VI.

Quartermaster's department—Duties and organization—Method of accountability—Commissary-general of purchases—Commissary-general of subsistence.

THE next department of the staff is that of the Quartermaster-General. Were its *employes* ever mustered together they would present an array comprising persons of every age, sex, and condition, second in number only to the line itself. It is not too much to say that much, in fact, all the efficiency of any army must depend on the good order of the quartermaster's department, and the activity and efficiency of its members. Its duties are multiiform and various; it has to do with every person in the army, and every person must once a day at least have recourse to it.

The framers of the present organization of the army seem to have been duly aware of the importance of this corps, when to the chiefs of the other staffs, the rank of colonel was uniformly assigned, while the quartermaster-general was made a brigadier, and but a few years afterwards fortified, as far as could be done in that manner, by the brevet of major-general. In the department of the quartermaster-general connected with the regular army are, one brigadier, two colonels, two lieutenant-colonels, and four majors, besides twenty-eight captains and many subalterns, who, though permanently attached to the department, retain their rank in the line.

The following are a few of the duties of the office of the quartermaster-general and his officers:

The department derives its name from the fact that it is required to provide and take charge of the quarters for the several corps of the army. It is the duty of the department to provide houses or tents, as the case may be, for officers and men, stables, storehouses, and everything in the shape of shelter or equipage which it belongs to no other branch of the staff to furnish. Being charged with the provision for troops when stationary, it has followed that when on the march the department has likewise been called upon to extend its surveillance over them, and to provide, when such is deemed advisable, for their transportation in vessels, steamboats, and by railroad. This is generally done by special contract for each special requisition, though now the department owns, or has permanently employed, a large number of transport steamers and sailing-vessels, between the ports of the United States and those towns and cities of Mexico, which have been captured or have surrendered to the American arms.

Once charged with the moving of troops, the department soon saw thrown on it the purchase and charge of the horses and vehicles used in the transportation of supplies, arms, ordnance, &c., for the army. Having begun to purchase, it was forced to go at once into the market and purchase horses for the artillery and dragoons, spades, axes, harness, horse furniture, camp equipage of all kinds, forage, medicine for the veterinary department, to take charge of the erection of quarters, and in fine of everything required by the army, which is comprised neither within the province of the medical and ordnance bureaus or of the commissariat.

The quartermasters are depositaries of the funds required for all the incidental expenses of the army, which can only be obtained from them in the following

manner. The officer who needs funds for any purposes, makes a written statement of the sum he needs, and for what purpose; which is called a requisition. This is submitted to the chief of the military force to which the quartermaster is attached. If the commander approve, he orders the sum of money to be supplied. The responsibility then rests on the commander for the propriety, and on the other officer for the correctness of the expenditure of the funds. The same system is adopted in relation to all other issues, viz: of tents, horses, forage, &c.

The quartermaster-general is entitled to no command, and the custom of the service is for him not to exercise any, even though he hold a commission higher than any other officer at the post at which he serve. It may be doubted, however, if all officers with commissions will not be entitled to command persons of lower grades until congress shall by some enactment provide against such a crisis. This will apply to all the departments of the staff except the medical, the officers of which are commissioned, not as subalterns, captains, and field-officers, but as assistant surgeons and surgeons, with a relative rank, specifically stated to be for certain purposes only.

At Washington city, in the bureau of the quartermaster-general, are kept the documents relating to all such expenses, and the returns from the whole army are made to this office. Every officer who has charge of public property, makes to it a quarterly statement, exhibiting the condition of the property, how it has been expended, and from whom received. By an admirable system of receipts and invoices, the whole is made to appear at once, and the amount of the accountability of every officer is easily ascertained. The highest credit is due

to the accomplished chief of this staff, who has brought the experience of many years of distinguished service to bear on details which might seem unimportant, but contribute in the highest degree to the efficiency, not only of the persons over whom he has immediate control, but of the whole service.

The commissary-general of purchases was, to all intents and purposes, an officer of this department, charged with the purchase of clothing for the whole army. Since the decease of the late distinguished incumbent of that office, its functions have been confided to officers of the quartermaster's department.

The commissary-general of subsistence is charged with the provision of food for the army, and with all the accounts connected with it. His purchases are generally made by contract, for what he needs to be delivered at the stations where they are consumed, or at general depots, whence they are transported by the quartermaster's department.

The rations of officers have been stated to be commuted at twenty cents. The ration *in kind* is:—Bread or flour, 18 oz.: pork, 12 oz., or, three times a week, 20 oz. of fresh beef. To every hundred men is issued 6 lbs. of coffee, 12 lbs. of sugar, 10 lbs. of rice, or an equivalent of beans or peas; 12 lbs. of candles, and 4 lbs. of soap. Four quarts of vinegar and two of salt are also issued to every hundred men.

As the system of accountability of the departments of the quartermasters and commissary-generals has been referred to, it may not be improper to examine it particularly and at length.

The quartermaster-general is required to make to the secretary of war annual estimates of the sums which will be required for his department during the next year, and

also a statement of the transactions of his department during the past twelve months of the year. To enable him to do this, full accounts are required from all the agents of the department; similar returns are demanded from all officers having in their charge property of the department of any kind. A similar system is pursued in the subsistence department, except when variations are necessarily required by the nature of the supplies it furnishes.

So perfect is this system, that a written voucher shows what becomes of every strop and spur-leather issued by the one, and pound of flour by the other. If worn out in service, a board of survey attests it; if spoiled by age, a similar board testifies to the fact. The complication of these accounts is immense; but no simpler plan, which would at the same time protect the interests of the government and the soldier, has as yet been devised.

As before stated, the clothing of the army is now received directly from the quartermaster's department by captains or commanders of companies, and is issued by them to the men.

The allowance for the five years' service is thus apportioned:

FIRST YEAR.

| | |
|--------------------------|-------------------|
| 1 Cap <i>complete</i> , | 2 Cotton Shirts, |
| 1 Forage Cap and letter, | 2 Flannel Shirts, |
| 1 Coat, | 2 pairs Drawers, |
| 1 pair Epaulettes, | 4 do. Boots, |
| 1 do. Shoulder-straps, | 4 do. Stockings, |
| 1 Aiguillette, | 1 Leather Stock, |
| 1 Wool Jacket, | 1 Great Coat, |
| 2 pairs Wool Overalls, | 1 Fati- |
| 1 Cotton Jacket, | 1 B |
| 3 pairs Cotton Overalls, | |

SECOND YEAR.

| | |
|--------------------------|-------------------|
| 1 Wool Jacket, | 2 Flannel Shirts, |
| 2 pairs Wool Overalls, | 1 pair Drawers, |
| 1 Cotton Jacket, | 4 pairs Boots, |
| 3 pairs Cotton Overalls, | 4 do. Stockings. |
| 2 Cotton Shirts, | |

THIRD YEAR.

| | |
|--------------------------|------------------|
| 1 Cap <i>complete</i> , | 2 Cotton Shirts, |
| 1 Coat, | 2 Flannel do., |
| 1 pair Epaulettes, | 1 pair Drawers, |
| 1 do. Shoulder-straps, | 4 do. Boots, |
| 1 Wool Jacket, | 4 do. Stockings, |
| 2 do. Overalls, | 1 Stock, |
| 1 Cotton Jacket, | 1 Fatigue Frock, |
| 3 pairs Cotton Overalls, | 1 Blanket. |

FOURTH YEAR.

| | |
|--------------------------|-------------------|
| 1 Wool Jacket, | 2 Flannel Shirts, |
| 2 pairs Wool Overalls, | 1 pair Drawers, |
| 1 Cotton Jacket, | 4 pairs Boots, |
| 3 pairs Cotton Overalls, | 4 do. Stockings. |
| 2 Cotton Shirts, | |

FIFTH YEAR.

| | |
|--------------------------|--------------------|
| 1 Coat, | 2 Cotton Shirts, |
| 1 pair Epaulettes, | 2 Flannel Shirts, |
| 1 do. Shoulder-straps, | 1 pair Drawers, |
| 2 pairs Wool Overalls, | 4 pairs Stockings, |
| 1 Wool Jacket, | 4 do. Boots, |
| 3 pairs Cotton Overalls, | 1 Blanket. |

Artillery and infantry (not dragoons and ordnance) allowed caps complete the third year.

Dragoons allowed coats the first and third years; ordnance the first year, and artillery and infantry, the first, third, and fifth years.

Dragoons and ordnance (not artillery and infantry) allowed wool jackets the fifth year.

Artillery and infantry (not dragoons and ordnance) allowed cotton jackets the fourth year.

Dragoons only are allowed fatigue frocks.

Of course, if a man does not require the whole of this clothing he is not required to take it, and the value

h the articles he does not draw are assessed, is to him on the pay-rolls of his company. If of his clothing, extra articles are issued to him, s charged with them.

ly similar is the accountability of property of r kinds, though made to the ordnance recruiting the chief of which is the adjutant-general, &c. above are all the semi-military departments; being more properly designated corps, or bodies rs without enlisted men. They are the military r graphical engineers and the ordnance; the latter t have, however, charge of a small number of artificers, who are not in the strictest sense sol- To the military engineers will be devoted the pter.

CHAPTER VII.

Corps of engineers—Organization and duties—Military academy—Its origin—Necessity for such a school—Effect on the whole army—Course of study at the academy—Corps of topographical engineers.

THE corps of Military Engineers embraces a host of officers of high talent, grown up under the care of the government, and worthy of the admiration bestowed upon them. It was to establish this corps, to provide for the defence of the nation, to foster a body of scientific men, capable of meeting the trained veterans of Europe, when there seemed imminent danger that our young republic would be called on to oppose them, that General Washington urged the establishment of the academy at West Point. Had this institution done nothing else than provide this invaluable corps of officers for the country's service, it would have returned a full equivalent for all the money expended on it. This corps has charge of the preservation of the works of defence now existing, and of the construction of new ones at such points as may be designated. Its officers have the direction of working-parties employed in the construction of parallels of attack and defence in the field, and of the means used to overcome all resistance by field or permanent works of the enemy. The storming parties thrown forward to attack posts or other military positions, should either be led or act by the advice of officers of engineers. It has charge also of the erection of tem-

porary bridges in the field, of permanent ones when required, of the placing of abattis, of the thousand impediments thrown in the way of the enemy.

How well this corps performs its duty,—how valuable its services are, will be remembered by all who have read the despatches which record the defence of Fort Brown, the storming of Monterey, and the siege of Vera Cruz. In fact, it is not too much to say, that but for its valuable aid, the powerful fortress would not as now have been beneath the folds of our flag. At Cerro Gordo it rendered great service, and the persons of its members often have borne manifest tokens of the way in which they exposed themselves. Under the new organization, his corps was commanded by the French general Bernard, the high talents of whom afterwards made him the minister of war of the king of the French, and was also illustrated by the science of others of not less skill. It was now not deteriorated, but continues in every grade to maintain its reputation. The corps numbers about forty-five officers, viz : a colonel, two lieutenant-colonels, four majors, and about forty captains, first, second, and brevet second lieutenants.

Attached to the corps of engineers, may appropriately be considered the Military Academy, from the fact that this important institution is placed under the charge of the chief of the corps of military engineers, who, *ex officio*, is its inspector. All who have served in the army, whether pupils of this institution or appointed from civil life, have learned to look upon the academy as one of the prides of the service to which it has added so much *eclat*. The military school owes its origin to him who has conferred so many boons on the nation, but who, amid all his prodigality, bequeathed it nothing more valuable in its sphere. General Washington, dur-

ing the long perils of the revolutionary war, had witnessed the utter dependence of the country on the foreign officers who were in its service. He was aware that, with the exception of the French, German, and a few English and Irish officers who bore the commission of the continental congress, scarcely one member of the military establishment could throw up a breastwork with angles properly calculated, or erect a stockade.

The nation was dependent on strangers not only for its officers of engineers and artillery, but in a great degree for the chiefs of its infantry. And the demands of these officers, the vast sums of arrearages paid them, it is not too much to say, have made them cost far more to the nation than the countless able and scientific men, natives of our own soil, since educated by the academy. Striking and brilliant, too, as was the exhibition of young and chivalric men, leaving home and the luxury of courts for a warfare in the wilderness, it was not on that account that they were employed. No people ever received volunteers or employed auxiliaries, except because it needed physical strength to accomplish what it had courage to dare. This was not the case in America. A spirited people sprung at once to arms. More armed men hurried to the flag of the disjointed confederacy than it had means to keep in the field without pay. The soldiers of the nation, however, were young. They had previously marched only against the Indians on forays on which it was fancied tactics were unavailable, and so rapid had been their growth that the mass of the population drawn along the Atlantic shore, for half a century had not heard the gun of an enemy. They did not, by any means, need the physical aid of the volunteers, but required their instruction, and therefore were they employed. The services of Lafayette, who had no mili-

ary experience, were received on different grounds, but for this was it that Steuben, Kosciusko, De Kalb, and hosts of others were honored with high rank.

Thanks to the courage and valor of the people, and in a great degree to the officers we have referred to, the nation triumphed in the first great contest the world had witnessed for the abstract idea of liberty ; and he, on the mind of whom the teaching of no experience was lost, conceived the idea of the establishment of this institution, to which not the least of the triumphs of the Mexican war must be attributed.

The military academy is not only a collegiate institution, but a corps of troops, amply able to perform all the duty required from it as custodian of an old post honored for its revolutionary associations, and a vast amount of public property. It is also a model school of tactics and drill. Even were no sciences taught there, it would be necessary, as a normal school of military exercises ; for all who look at the militia and volunteers of the country must be aware how impossible it is to establish uniformity of drill and manœuvre from the study of a book. It would be as easy, from the study of the elaborate descriptions of Richardson, to conceive how Sir Charles Grandison looked when he was annoyed, as to imagine from the text of Baron Steuben, the king's order, and the army tactics, how a soldier should order arms. The variations from the standard of the army, will in an instant enable any one to distinguish the militiaman or volunteer from the man of the regular service, and by similar but minor variations, the dragoon from the foot or artillery soldier.

The uninitiated tell us that drill is a small matter, that any intelligent man can comprehend it ; such may be the case, but very many do not. It is no trifle. The

variation of five feet, ay, or of three in the distance of a company, when the Mexican lancers charged at Palo Alto on the fifth foot would have led to the ruin of that veteran regiment; and at Waterloo, and a hundred of the battles and skirmishes of the Peninsula, similar results would have been produced by such an error.

Important, however, as tactics are, they are insignificant compared with other of the arts of war. The science of strategy is essentially, as an admirable writer of our own country has recently said, the science of progress. The mechanic arts, the sciences, the occult principles unfolded by chemistry, and the hidden properties of numbers and space, have all been made to minister to it. With as much propriety might it have been said after the great discovery of Bacon, which changed the ruffianly leader of steel-clad men-at-arms into an accomplished soldier, that the military man should neglect the science which led to the new discovery, as that, in this the nineteenth century, the military world should subside into neglect of the newly discovered physical forces, which have revolutionized other arts, and may work wonders in the science of war.

Steam, magnetism, the galvanic battery, and compressed air, may be made hereafter munitions of war, and new machines may be invented compared with which the dread artillery will be as insignificant as the feeble weapon which overthrew the Philistine. These circumstances make the cultivation of science from a military point of view peculiarly the duty of the nation, and a sufficient reason for the maintenance of the military academy.

The course of study at this institution is of the most comprehensive character, embracing not only the mysteries of number and the empirical sciences, but moral

and ethical theory, and those modern languages most necessary to the military man. In this point of view it is deficient in the extent of its course, which comprises but little of the humanities. There is no mastery of Latin and Greek, nor is the subject of general literature attended to as it should be. If the student reads the history of Polybius it is not in the original, nor does he often study Jomini except through the medium of a bald translation. More than one of the acute minds who direct the management of the military academy have suggested the addition of the dead, and a more thorough study of modern tongues, but so far without success. There are difficulties in the way, for within the present course so much is crowded that additional studies would trench on the hours appropriated to military duty, and that *otii modicum* peculiarly necessary to the student of mathematical lore.

The present course comprises four years, during which the student passes through the hands of professors of the following subjects:

Military and civil engineering, natural philosophy, mathematics, chemistry, geology and mineralogy, geography, history and moral philosophy, French language, drawing, practical engineering, the school of tactics and strategy, equitation, the use of the sword and sabre, &c.

He is also made familiar with the manipulation as well as theory, not only of the minor manufactures and contrivances of all arms of his profession which he may not on an emergency find ready made in his storeroom or magazine, but of the theory of the construction of bridges, roads, &c. These subjects are taught to all; so that it is believed the officer of dragoons, foot artillery, or engineers, graduated at the academy, may generally, whenever the public service requires, be

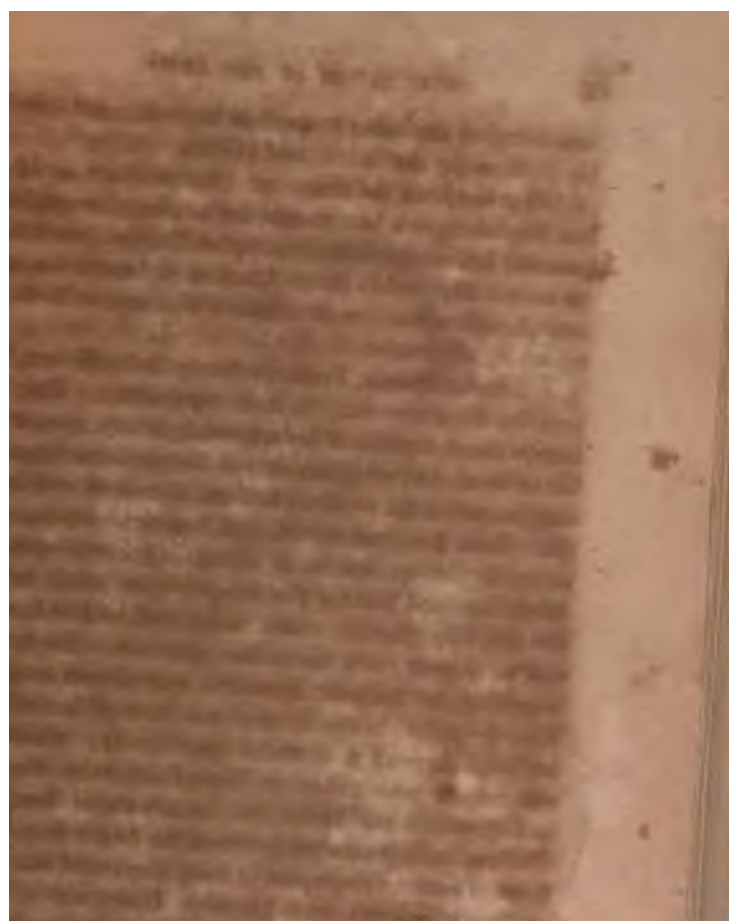
transferred to any other corps than his own and creditably perform the duties required of him.

What has been the character of the military academy and the influence it has exerted abroad, may be gathered from the following tribute to it by an English journal by no means disposed to praise America or American institutions, unless the conspicuousness of merit extorts the tribute of admiration :

“ Austria, Prussia, France, educate their officers, and promote them according to their capabilities. England barter the command of her regiments to any man, capable or incapable, who has served the requisite time and can command the requisite amount of money and interest. Even the great republic of America—jealous and niggardly though she be of a standing army—yet has wisely resolved *that the few troops she has shall be well and skilfully officered* ; that nothing shall be lost through exalted stupidity or authoritative ignorance. England—forgetting that her most illustrious general was taught in France—still risks the fortunes and lives of her soldiers on blind bravery and stolid impetuosity ; whilst the officers who were trained at West Point, raise the stars and stripes of the Union on the towers of San Juan d’Ulloa, and advance the glories of the Anglo-Saxon race through a territory comprising thirty degrees of latitude.”

This tribute is from the London Times, which, before the battles of Palo Alto and La Resaca, predicted defeat to our arms,—which sneered at the possibility of the capture of Vera Cruz by General Scott, but which now claims the skill of our officers and their success as a consequence of the indomitable valor of the “ Anglo-Saxon race.”

It has long been the fashion to decry this institution, in many places where it might have been expected the





PHILLIP N. BABOUR,
Late of Third Infantry. Major by Brevet.

THE UNIVERSITY OF CHICAGO

timations of common sense would been heard. Men who seemed to think that a battle was but a dog-fight, where human beings rushed together and shot and hacked each other to pieces, have decried the military academy, and hooted at the idea of "*its wasp-waisted eutenants*" being fit for war. That cry is forever hushed. The battles of Okee Chobee, Pilaklakhaha, the defence of Fort Fanning, and the unhappy massacre of Wade's command, where every officer was a graduate, and every officer died with a wound in his breast,—the battles in Mexico, where Ringgold, Inge, Page, Ridgely fought, and more than one of them died, have silenced. Wherever the flag of the country has been borne, the cadets have signalized themselves. On the slopes of the Pacific, the pure and gallant Johnston died, bravely and in harness, at the head of his squadron. On the llano of Taos is buried the brave and accomplished Burgwin, one of the most elegant men of the nation, who is mourned by all who knew him; and amid the burning sands of the tierra caliente, fell Vinton, the beau-ideal of the Christian soldier. Were there no other instances of sacrifice on the altar of country, by the good and pure, these names and that of the gallant Barbour would rescue the profession they adopted and the institution which educated them, from the aspersions of the bigot and the misrepresentations of the intriguer.

The author writes warmly of the benefits and services of the military academy. He has reason to do so, having reaped its benefits. He is not, however, one of its *aves*, though it has been his privilege, as an officer of an army, to be connected with many who were. As common steel, by attrition, receives the properties of the magnet, the leaven of the military academy has been spread to the whole mass of the army.

superintendent of the military academy, and he occupied until 1833, when he was succeeded by Colonel De Russy. During that time, at least half the cadets who now are in the army, graduated; and it was not necessary to hear them speak of him, to know how good a man and how well qualified he was. Kind and generous in his manners, parental in his conduct, he seemed to be perfectly aware how far the benevolence of the instructor and the strict discipline of the commandant were capable of fusion. Previously cadets had been *quasi* soldiers, and scarcely students. Facilities for study were, it is true, afforded, but there was no compulsion. One cadet might pass through every term, and yet be scarcely qualified for the higher corps, while another could, if he pleased, make great progress in the higher strategic arts. It was his task to establish a system, which, while it did not restrict the ambitious, would induce even the dilatory to make an effort sufficient at last to make them competent officers.

Like the scholar himself, he introduced into the academy the analytic mathematics pursued with so much success in the French schools of a similar character, and caused them to be considered an indispensable part of education. Previously military engineering in America had been but an art; it is attributed to him and the academy that it has been extended at least *pari passu*, if not farther than in Europe, and is become a science.

So undeniably great were the advantages of this academy, that rectors and regents of other institutions began to look to it for professors. The academy then began to fulfil one of its great objects, to increase not only the military, but the scientific knowledge of the officers who established and supported it.

Of the officers who grew up under the eye of

Colonel Thayer, in a recent public address (since printed), thus speaks of the importance of the services of this distinguished officer, and of the good that has resulted from it :

“ They (cadets and pupils of the military academy) have been regularly introduced into the principal universities and academies. The entire system of teaching, and the entire knowledge of the country has been raised up ; and this is chiefly the direct result of the instructions here. Who shall estimate the importance of such an intellectual *revolution* ? Who shall say how wide round the earth, how *far* down the depths of future time shall penetrate and radiate the lights thus kindled here ? Who shall count *dollars* against such inestimable values ? Who will give back to the empire of darkness this knowledge, this growth, this expansion of American mind, for

‘ ——— all the wealth of Ormus, or of Ind ? ’ ”

As he says, they have Americanized science, and carried everywhere throughout the length and breadth of the nation, European art adapted to our wants, and with it the memory of him by the almost prescience of whom it was introduced into the only national academy. To show how well Colonel Thayer discharged his duty, it is sufficient to refer to those of his pupils, who have contributed to the instruction of their country in a positive manner.

* DENNIS H. MAHAN, of the Class of 1824, has published important Treatises on Military and Civil Engineering.

EDWARD H. COURTNEY, of the Class of 1821, has published a complete work on Mechanics, and Mechanical Philosophy.

* Mansfield's Address.





SYLVANUS THAYER,
Lieutenant-Colonel of the Corps of Engineers, Colonel by Brevet.

W. H. BARTLETT, of the Class of 1826. A complete Treatise on Optics.

ALBERT E. CHURCH, of the Class of 1828. A complete Treatise on the Differential and Integral Calculus.

ROSWELL PARK, of the Class of 1831, has published a Text Book on Universal Knowledge.

EDWARD D. MANSFIELD, of the Class of 1819, has published a Work on Constitutional Law.

FRANCIS H. SMITH, of the Class of 1833, has published an Arithmetic, and a Work on Analytical Geometry.

PROFESSOR MATHER has written valuable Reports on Geology, Mineralogy, &c., &c.

PROFESSOR BAILY is also a writer of reputation, on the subject of Natural Science, &c.

The above is but a small number of many of his pupils who have distinguished themselves. In the church, at the bar, as statesmen, as merchants and manufacturers, his pupils will be found; and in his own words, never had man so much occasion to be proud of his *eleves*.

The first class regularly graduated at the academy under his charge, contained the name of Samuel Ringgold; and he may be considered the first offering of the institution under its present organization, to the country. A member of the class which entered in 1831, was the lamented Captain Johnston, who fell by Kearney's side on the *llanos* of California: he may be called the last contribution of the veteran superintendent—a superintendent who could produce such soldiers needs no other eulogy than the statement of the fact and of their services.

Clay, McKee, Ridgley, McKavett, and others of the dead, he contributed to form for the service of the coun-

try; of the living, a large portion of the officers in fact as well as commission, who lifted their country's flag before Mexico, and planted it on the battlements of Monterey.

During the administration of General Jackson, Colonel Thayer relinquished command of the military academy. He is now in Boston, where he has been for some time, on duty.

Colonel Thayer became a lieutenant-colonel by brevet on the 3d of March, 1823, and ten years after, a colonel by brevet. On the 7th of July, 1838, when General Gratiot left the army, he became lieutenant-colonel by seniority of the engineer corps.

Previous to his leaving the military academy, the corps of cadets requested Colonel Thayer to sit for his portrait, which was taken by the distinguished Mr. Weir, long connected with the institution as professor of drawing. The portrait is now at the academy, and is one of those relics which first attract the eye of the stranger. So popular has Colonel Thayer become with a large number of gentlemen collected from every part of our country, that there are very few persons within its limits who will not look with interest at his countenance, which, at the same time that it is marked with great soldierly resolution, bears the closest and most distinct traces of the qualities which made him essentially the man for his position.

At the same time that so much good is to be attributed to Colonel Thayer, he derived valuable assistance from an almost unequalled corps of professors. This, however, ultimately redounds to his credit, because, virtually charged with the selection of his subordinates, he had the tact to select them well. Professor Davies' books became text books in almost every college in the

COLONEL TOTTEN.

nation. Mahan's works on the science of engineering, and Weir's admirable works on several of the mysteries of his art, are palpable tokens that their reputations are not merely a name, but the acquisition of high talent conjoined to ceaseless perseverance.

A portion of the system of the academy which probably has not a little contributed to its high stand and success, is the custom of selecting the professors and instructors from the old cadets. This has superinduced fellow-feeling and sympathy between the two great elements of the school, and destroyed the *gene* and uncomfortable feeling which too often divide them. This is necessary, for the cadet of to-day is an officer to-morrow. The instructor may often return to the line of the army, and the previous chances of war may make him the inferior in rank of his old pupil. The very object of the academy, however, renders this necessary. Cadets are formed into officers; and though there are many grades in the military service, socially all its members are equal. All these peculiarities of the academy are to be attributed to the era of Colonel Thayer's appointment to the post of superintendent, which may be considered the second founding of the institution.

The chief engineer of the army is Colonel JOSEPH G. TOTTEN, an old officer, who dates from February 23, 1808. Previous to this time, however, Colonel Totten, had been graduated at the military academy, and appointed to the army on the 1st of July, 1805. He, however, soon resigned. In 1810 he became a first lieutenant, and, in 1812, a captain. For meritorious services, on the 6th of June, 1812, he received the brevet of major. On the occasion of the capture of General Scott, while a colonel, Captain Totten had been his companion, and shared the peril of the famous attempt to communicate

with the British commander at a season when even a white flag was no protection. Captain Totten, on this occasion, had been Scott's adviser; and by his advice, the American troops were posted in the strong position which enabled them so long to defy the superior British force. His services, on this occasion, richly entitled him to the brevet he received. Colonel Totten shared the captivity of Colonel Scott, and was exchanged with him. Major Totten was also at Plattsburg, as chief engineer of General Macomb's army, where he was indefatigable in throwing up defences, &c., and rendered such services that he was thanked in general orders, mentioned with the highest commendation in the official report, and received the brevet of lieutenant-colonel. After the peace, Colonel Totten remained in service, and, by the resignation of General Swift, became major of the corps in 1818. In 1824, the brevet of colonel was conferred on him. In 1828, he was promoted to the lieutenant-colonelcy of the corps, and, when General Gratiot left the service, in 1838, was appointed to his present rank of chief engineer. At the siege of Vera Cruz, Colonel Totten acted as chief engineer, and was complimented in orders and sent home with despatches.

Those who, from long study, are capable of forming an adequate opinion of such things, consider the works thrown up by Colonel Totten, in front of that powerful city and the castle of San Juan, as above all criticism and commendation. Art was carried to its utmost limit; and it was proved that, during the long season of peace which had existed in the United States, its officers had not been idle, but had made the experience of the armies of Europe their own. The city was encompassed like Laocoon in the serpentine folds of the engineer; and the leader of armies, from the eminences prepared for



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him, was able to place his hand on his conquest. Colonel Totten is a native of Connecticut; and, though more than sixty years of age, pursues his scientific studies with unremitting diligence.

The regulations of the army assign to the corps the charge of all surveys for the defence of the Atlantic and western frontier; reconnoissances of routes and of the enemy's positions; the surveys for military roads; and, in the absence of military engineer officers, all the duties of the latter.

They are also charged with the direction of civil works, authorized by congress, and not specially assigned to another department. They are required pointedly to be treated with all military respect, though strictly debarred from command. Their situation in the army is altogether similar to that of the surgeons, having but assimilated rank, except in their corps.

The corps of military engineers have duties more extended than these. They have charge of the selection of sites, formation of plans, estimates, &c., for defences of all kinds, and may be assigned to the charge of marine works, such as light-houses, breakwaters, &c., by orders of the president. Engineer officers may be assigned to command by the president, but are otherwise debarred from exercising it. The regulations do not seem to contemplate that the topographical corps shall ever exercise command. These appear to be the chief differences between their relative positions in the army.

The chief of the corps of topographical engineers is Colonel JOHN J. ABERT, an old officer, having been appointed a brevet major of this corps on its organization, on the 22d of November, 1814. For many years this corps had a most anomalous organization, containing several

majors and captains, who, however, were not commissioned, but held their appointments by brevet; on the 26th of July, 1838, however, it was placed on an equal footing with the other staff corps, and Major Abert was placed at its head as colonel. There are few more competent men in the army than this officer, who, though his duties are not of a kind to attract attention, has made himself to be felt and appreciated throughout the army.

It is difficult to distinguish the Engineers from the Topographical Engineers. The former are the constructors of permanent works, while to the latter are confided surveys, reconnoissances, military examinations, &c., of all kinds. So closely are the two connected, that the difference can scarcely be explained to a clerical reader. It is a corps of high rank and of great talent, and the bureau is the recipient of a host of surveys, which probably embrace more real valuable knowledge in relation to our national resources than is to be found anywhere else. The number of officers is about equal to that of the military engineers.

It has previously been stated, that the various departments of the staff are closely linked together, so that it is nearly impossible to separate them. The quartermaster's department and the two engineer corps are especially united, so that it is almost impossible for one to act without the other.

The following table contains a list of the military posts of the eastern division of the army, and of the states in which they are situated :

| | | |
|----------------------|---|---------------------------------|
| Fort Niagara, | } | On the Niagara and Lakes, N. Y. |
| Fort Ontario, | | |
| Madison Barracks, | | |
| Plattsburg Barracks, | | |
| Fort Adams, | | Providence, R. I. |

TOPOGRAPHICAL ENGINEERS

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| | | |
|----------------------|---|---------------------------------|
| Fort Wolcott, | { | Conn. |
| Fort Trumbull, | { | N. Y. |
| West Point, | | |
| Fort Columbus, | { | New York Harbor, N. Y. |
| Fort Hamilton, | { | |
| Fort Lafayette, | | |
| Fort Mifflin, | | Below Philadelphia, Pa. |
| Carlisle Barracks, | | Carlisle, Pa. |
| Fort Sullivan, | | Maine, |
| Fort Preble, | | do. |
| Fort Constitution, | | Portsmouth, N. H. |
| Fort Independence, | | Boston, Mass. |
| Fort McHenry, | | Baltimore, Md. |
| Fort Washington, | | Annapolis, " |
| Fort Monroe, | | Mouth of James River, Va. |
| Fort Johnson, | { | Coast of North Carolina. |
| Fort Caswell, | { | |
| Fort Macon, | | N. C. |
| Fort Moultrie, | { | Charleston Harbor, S. C. |
| Castle Pinckney, | { | |
| Augusta Arsenal, | | Augusta, Ga. |
| Oglethorpe Barracks, | | Savannah, " |
| Fort Marion, | | St. Augustine, Florida. |
| Fort Wilkins, | { | |
| Fort Brady, | { | |
| Fort Mackinac, | { | On the Lakes and Detroit River. |
| Fort Gratiot, | | |
| Detroit Barracks, | | |

The most of these have been constructed by contract, and few or no quartermasters have been employed in superintending the labors of erection, which have been confided to officers of engineers.

In the west, however, the case is different. The following posts now occupied by troops have been constructed by the united labors of the quartermaster's department and engineers:

| | | |
|--------------------------|---------------|---------------------|
| Key West, . . . | Florida East. | |
| Fort Brooke, . . . | do. | |
| Fort Pickens, . . . | Florida West. | |
| Fort McRee, . . . | do. | |
| Fort Morgan, . . . | Mobile, Ala. | |
| Fort Pike, . . . | La. | } Near New Orleans. |
| Fort Wood, . . . | do. | |
| Fort Jackson, . . . | do. | |
| New Orleans Barracks, do | | |

| | |
|---------------------------|---|
| Baton Rouge Barracks, La. | |
| Fort Towson, . . . | Indian Ter., on Red river. |
| Fort Washita, . . . | do. on the False Washita. |
| Fort Smith, . . . | do. on the Arkansas river |
| Fort Gibson, . . . | do. on the Grand river. |
| Fort Scott, . . . | do. |
| Fort Leavenworth, . | do. on the Missouri. |
| Jefferson Barracks, | Mo., near St. Louis. |
| Fort Atkinson, } | on the upper Miss. and its tributaries. |
| Fort Crawford, } | |
| Fort Snelling, } | |

Besides these are several tiers of old posts which have been gradually abandoned as civilization advanced, but all monuments of the efficiency of these two corps, and generally erected by the labor of soldiers. Of this kind were Fort Coffee and Fort Wayne, west of Arkansas, Fort Osage in Missouri, the old post of Council Bluffs, Fort Des Moines, at the mouth of the Des Moines river, and many others. In many instances it has been necessary for the topographical engineer to precede the former corps, to open his communications between post and post, and prepare a road over which supplies of all kinds might be carried.

Though the arsenals are only ordnance posts, they are under the same regulations, substantially, as other military stations of the United States; they are under the peculiar control of officers of that department, and members of other corps are rarely stationed at them.

The following are the arsenals and ordnance depots of the United States:

| | |
|-----------------------|-----------------|
| Kennebeck, | Augusta, Me. |
| Watertown, | Massachusetts. |
| Champlain, | Vergennes, Vt. |
| Watervliet, | New York. |
| Rome, | do. |
| Alleghany, | Pittsburg, Pa. |
| Frankfort, | Pennsylvania. |
| Pikeville, | Maryland. |
| Washington, | D. of Columbia. |

EUROPEAN AND AMERICAN SYSTEMS.

Bellona,
St. Louis,
Baker Ridge,
Mount Vernon,
Detroit,
North Carolina,
Apalachicola,
Little Rock,

Chesterfield Co., Va.
Missouri.
Louisiana.
Alabama.
Michigan.
Fayetteville, N. C.
Florida.
Arkansas.

The communication with many of these always calls for the services of the quartermaster, and generally for those of the topographical engineer. The defences of the western frontier call for the attention of the two corps of engineers constantly, and the most superficial examination of the vast line of frontier along which they are thrown, will satisfy the most superficial that there should be no idlers in the staff of the army.

It will be observed that this system of staff corps is peculiar to the army of the United States. In the British army there is no quartermaster's corps, but an officer of each regiment, usually a lieutenant or ensign, who performs the duties of barrack and forage master, and of transport agent. The quartermaster-general seems, from many of the orders of the Duke of Wellington, merely to be charged with the function of placing the troops in position in garrison and action. In the French service the mariscal-de-camp seems to perform similar duties; and there is also in the Prussian army a functionary who has a similar charge, and a most unpronounceable name.

To the department of commissary-general of subsistence the European armies have nothing similar, they being fed by contract from day to day, or supported by a commutation paid them in money. In an enemy's country the right of free quarters is universally recognised, and it is believed that never until the

war with Mexico has any nation transported its commissariat supplies into a country capable of supporting it. The two engineer corps have also in this country a more extended establishment than in other armies. They are here a corps with permanent promotion, and their officers may rise to the highest rank in the army. The very fact that to one of these corps is assigned the direction of the military academy, will always give it great dignity in our service. The ordnance corps is also of more dignity in the United States than in Europe, in the services of almost all the nations at which its duties are performed by officers of artillery.

CHAPTER VIII.

Ordnance department—Duties of this corps—Mountain howitzer and rocket men—Sappers, miners, and pontonniers—Volunteer staff.

THE last of the staff corps is the Ordnance; it contains about the same number of officers as the corps of engineers, and has as its chief a colonel. It has charge of the two great arsenals of the nation, at Harper's Ferry, in Virginia, and at Springfield, in Connecticut, and of the various arsenals and depots at which arms are stowed throughout the United States.

The duties of this corps are numerous and arduous, and require talent of a high order and a peculiar military education, which should comprise a thorough acquaintance with the practical details of the different arms of the line and of the staff.

It has not been the custom of the United States to have its cannon of any calibre manufactured at arsenals (though they could doubtless be obtained thus at less cost), but by contracts from private foundries. The durability of the gun and the safety of the men to whom it is to be intrusted, require that particular attention should be paid to the fusion of the metal and the ingredients of the peculiar alloy of which ordnance is cast. To be sure that these matters are properly attended to, it has always been made a stipulation in contracts, that artillery should be prepared under the inspection of an officer of this corps. It will be readily perceived that this is a high and important duty.

In a similar manner, powder and the ingredients of which it is made, have been purchased by officers of ordnance; and the tests to which this combustible is submitted, and its preservation after being purchased, comprise another important branch of their duty.

The small arms which have been manufactured in such large numbers and of such admirable quality at the arsenals of the nation, are, except those in the hands of the line or the army, or apportioned annually to the several states, committed to them. The defense of the nation must always rest in the hands of the militia or volunteers, and as the mass of this force always will be of infantry, it is important that the arms should always be kept in perfect order and ready for use. This is done by the ordnance corps.

The examination of any armory in the country will exhibit the great attention paid to this branch of their duty. Cannon need only shelter and paint to keep them in order, while the fogs and even the imperceptible oxydization by the atmosphere would make the most beautiful small arms useless. There are, it is believed, no weapons in the world in more beautiful order or a higher state of efficiency, than those confided to this corps.

The manufacture of shot and shells, and the preparation of them, of fuses, portfires, percussion caps, accoutrements, rockets of various kinds, signal lights, cartridges, &c., all belong to this corps; every year of the officer's service in which must be a continuation of his apprenticeship in the laboratory of chemical and mechanical science.

When an army is in the field, the ordnance officers have charge of its heavy guns and of all those field and siege-pieces which are attached to no particular corps of artillery. Assisted by the other corps, they have

charge of the mounting of these guns, and of their transportation and preservation from the effects of the weather, of ammunition for them and the other guns of the army, over and above what is usually issued to the artillery for immediate service. In a similar manner, they have charge of ammunition for small arms, powder for mining operations, ordnance tools, portable forges for the artillery, and ordnance wagons.

From this corps there has recently been formed a company of mountain howitzer and rocket men, which, though a young corps in the service, have already earned much honor in the operations of the army, subsequent to the capture of Vera Cruz.

Partially connected with the ordnance, but also having some relation to the quartermaster's department and the engineer corps, is the company of sappers, miners, and pontonniers. They were, it is believed, first used in the trenches in front of Vera Cruz, and, under the able direction of their gallant captain,* since dead of disease contracted there, contributed not a little to the success of that ever-memorable siege.

We have now described the staff of the army, and explained as fully as possible the functions of its various departments and corps. It is formed, we may here say, not so much with reference to the present strength of the army, as with a view to the force the government may be called to keep in the field. The events of the present war have rendered its increase absolutely necessary, and therefore a large number of surgeons, quartermasters, and commissaries of all grades, have been appointed for duty with the volunteers. Though, however it be possible to obtain from the body of the people officers of these departments, which, after all, are but

* Alexander Swift, captain engineer corps, U. S. A.

semi-military engineers of both corps, and ordnance officers cannot be thus had, and the government wisely has prepared a staff ample enough to equip and direct the operations of any force which, in the possibility of events, might be called for. Thus armed, offensively and defensively, it is believed the nation will long be able to resist all its enemies, and triumph everywhere as it has done in Mexico.

CHAPTER IX.

General officers—Routine of rank—Mode of promotion—Brevet lieutenants, officers with two commissions—Manner of appointment.

THE general officers of the army proper are, two Major-Generals and four Brigadier-Generals, each of the two former of whom are allowed two aides-de-camp while commanding in chief, of any rank they please to designate, and a military secretary. These officers, with one or more taken from the departments of the adjutant-general, with a quartermaster-general, commissary-general and the senior officers of the medical department, engineers, pay, and ordnance corps, constitute their personal staff or military family. Each brigadier-general has also a similar staff, except that the officers composing it are of lower rank, being, besides their aides-de-camp, the chiefs of the staffs attached to their respective brigades.

A brigade of the American army consists of two or more regiments (three is the number designated for those composed of volunteers) and every two brigades are considered to make up a division, the appropriate command of a major-general. The roster, or routine of rank of the army, therefore, is as follows:

Major-General in chief,
Major-General,
Brigadier-General,
Colonel,
Lieutenant-Colonel,
Major,



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the senate, produced delay, and enabled those who love the army, to defeat this unjust attempt. A similar manœuvre in relation to the navy, was also signally foiled.

The laws providing for the establishment of the several regiments and corps declare that each regiment shall be composed of a given number of companies, that each company shall consist of a captain, one or more first and a given number of second lieutenants, with the organization of non-commissioned officers, musicians, and privates. To command this force were assigned a colonel, lieutenant-colonel, and major, to whom recently a junior major has been added. The number of young officers who left the Military Academy every year made it obvious that all would not find vacancies for them, at least in time of peace, and the president of the United States was authorized to attach them as brevet second-lieutenants to any regiment the exigencies of the service might make desirable, with the understanding that they were to receive the commissions in the lowest grade as they happened vacant according to their standing at the Military Academy, being always promoted into the arm to which they were assigned, but not necessarily into the regiment.

These officers are called supernumerary lieutenants, because they are over and above the number of officers allowed by law to every company, not because they are more than are required. This will be peculiarly apparent when we remember the number of staff-officers taken from among the subalterns. Among these are aides-de-camp, the adjutants of infantry and artillery regiments and officers of the quartermaster's department, and the commissariat, with the brevet rank of captain. All of the above, though permanently separated from their companies and troops, retain their commissions in

the line. The apparent purpose is to allow the government to test in a wide sphere the business capacities of an officer before he is permanently separated from his line, and placed in such a position, that if found incompetent, he must be retained to the disadvantage of the service, be disbanded with injustice to himself, or replaced in the line to the injury of others, who, promoted by his vacancy, have thereby acquired vested rights.

The regular details for guard duty, police, outposts, pickets, &c., in active service weigh heavily on all grades, and especially on subalterns. All the officers of a company are rarely fit for duty. As before observed, officers will occasionally suffer from ill health, must sometimes be absent on their own affairs, all of which circumstances make this supernumerary lieutenant by no means a supernumerary officer.

The usual manner in which officers are appointed, is by letter from the adjutant-general, notifying them of their appointment by and with the consent of the senate. The commission soon follows this letter. Their subsequent appointments or promotions to new commissions are by a similar letter, with the additional clause that if approved of by the senate the commission will be sent at a future day. It is scarcely necessary to say that the senate might at any time fail to approve of a promotion, and thereby overslaugh or postpone any officer. Though it have the right to do so, its policy may be doubted, as any circumstance which renders an officer unfit for promotion would certainly come within the province of a court martial, which tribunal the author believes of all others most apt to be correct in its decisions. The experience of the army since its establishment has shown that these bodies have rarely spared the guilty, and never, it is believed, punished the innocent.

CHAPTER X.

Rigid system of control—But one offence in the army—Difference of rules as respects officers and men—Government of the army—Rules and articles of war.

THE system of control in the army of the United States is the most arbitrary in the world, and is necessarily so. American citizens, grown up in jealousy of their rights and privileges, prompt to defend them with the right arm and with their voice, would make the army one scene of struggle and one great debating society. The question of abstract right and wrong is therefore never mentioned or even thought of by military men, who restrict their researches altogether to discovering what the rules and articles of war and the customs of the service permit and forbid. They are directed against overt acts exclusively, and recognise no rights but the indulgences permitted by themselves. There is, in the military code, no justification or excuse admitted. A man who violates an article of war, or an order, can plead nothing in extenuation.

An example of this, which is peculiarly striking, is the fact, that though the rules of war forbid any one to offer personal violence to subordinates, if the colonel were to strike the lieutenant, and the latter returned a blow for a blow, he would most certainly become liable to a court-martial, for mutinous conduct if not for mutiny. Whether, under these circumstances, any subaltern would ever be arraigned, is a different matter; cer-

it is, no court could be convened which would not agree to bring before itself or another the officer really lame.

There is therefore in the army but one offence, "disobedience of orders," and but one rule of conduct, absolute obedience,—the same which has existed certainly from the time of the good centurion and that man slain for winning a victory in violation of orders, in the present time. Officers are also held liable to the reprobation of the moral decencies of life, and are punishable for violating them, as "conduct unbecoming an officer and a gentleman." A similar rule is applied to enlisted men, though in a more restricted sense; charges against them being termed merely violations of such an article of war, disobedience of officers, and conduct unbecoming a soldier. This has been thought by many unadvised; for there is no reason why the same high standard of gentlemanly bearing should not be proposed equally to the humblest sentinel in the rank and file as to the major-general commanding the army.

The government of the army rests on, besides the technical code known as the rules and articles of war, and treated in another part of this volume, a parental author-

Every captain is a kind of father to his men, and it is his duty to protect, to restrain, and it may be to punish, within the bounds of a reasonable discretion. As punishments for slight violations of duty, it is usual to award extra guard duty, and such minor penalties as come within the compass of those things which, without the commission of any offence, an officer might command any one to perform.

The rules and articles of war, it will be seen, award to the great majority of offences the punishment of death, which, though subsequently forbidden to be in-

inflicted, except during war, constitutes a criterion, the consequences of which are important in the regulation of the discipline of the army. The law provides two courts for the punishment of military crimes, one of which is known as a regimental and the other as a general court martial.

The second is for the punishment of those offences of which death, in time of war, is made the penalty, and may inflict any penalty except it and corporal punishment by stripes, (exclusively appropriated to desertion). Imprisonment for a given period, or during the term of service, forfeiture of pay for a time, or *in toto*, the ball and chain, irons, hard labor, solitary confinement, and from time to time other punishments scarcely in consonance with the spirit of the age, are those most usually inflicted. The following is the organization of this court: it holds its session by virtue of the order of the President of the United States, the general-in-chief, or a general or colonel commanding a separate department. It can be convened by no officer of less rank, and should consist of thirteen members with a commissioned officer as judge advocate, the duty of whom it is to superintend both the interests of the United States, technically the prosecutor, and that of the prisoner. Sometimes a less number than thirteen officers are convened, but in that case the rescript for the court must state that "a greater number cannot be convened without manifest injury to the service." Such a court in time of war may inflict the punishment of death by shooting, for any offence made capital by law, and in time of peace may punish desertion by stripes. It alone can try a commissioned officer, in which case its members must be higher in rank than the person ar-

resigned, or at least not liable to be promoted by the signature of his commission.

In its procedures the forms of the civil law are followed. The evidence of the witnesses is recorded by the judge advocate, and subsequently signed by them. No witness is suffered to remain in court while another is being examined, and when the case is terminated the court with closed doors deliberate on the verdict and sentence, which the members are sworn not to disclose until published by proper authority, and not to reveal the vote of any particular member of the court unless called upon to do so by a due court of law.

When an officer has been tried, if the sentence extend to loss of commission, the president of the United States alone has power to approve of the sentence, and the record is forwarded to him in person in an envelope under cover to the adjutant-general of the army. The usual punishments inflicted on officers, are suspension from rank, pay, and command, or from rank and command for a given time, cashiering and dismissal from the service. The difference between the two last is, that an officer cashiered becomes disabled from serving the United States in any civil or military capacity whatever. The records of a court martial are certified to by its president and judge advocate.

A regimental court martial is convened by order of the commanding officer of the regiment, and must consist of three officers. It is authorized to try only enlisted men, and them for offences not capital. It can inflict no punishment, the duration of which is more than one month, and can sentence the soldier to lose not more than one month's pay. The junior member of a regimental court is its recorder, and the documents it puts

forth are sent to the colonel through the adjutant. A colonel may order a regimental court martial at any post at which a portion of his regiment is serving, providing they are not under the command of an officer of another corps.

Where two corps, as horse and foot, are serving at one post, its commander may order what is termed a garrison court martial, the jurisdiction of which is identical with that of a regimental court.

There is yet one other court convened by military authority, which is called a court of inquiry. This body is not unfrequently convened by request of an officer, to report and place on record the facts of any event which might subsequently become matter of controversy. If an officer to whom a large sum of money had been confided were to lose it by shipwreck, the enemy, or otherwise, it would be to his interest to establish the facts. If an officer in suppressing mutiny were to slay a junior or an enlisted man, the custom of the service would prescribe that he should request the convening of a court of inquiry to report the facts. The usual number of persons assembled for this purpose is three, one of whom is also the recorder; and it is understood that they are bound by no rules of evidence, but report simply the equitable facts of the case, as they can best ascertain them. Any officer in command of a department, may order a court of inquiry, *at the request of the officer or man interested*. The reason of the proviso is obvious, as this right, intended for the protection of the officer, might be distorted into the greatest source of oppression.

There are also convened boards of survey, &c., the object of which, however, is perfectly ministerial, being called only to report on the condition of ordnance

stores, quarter property, commissariat supplies, cavalry and artillery horses, &c.

In every post is a guard-house, a shelter for the sentinels not on duty, and made use of also as a prison. The commander of the guard is, in small corps, the superintendent of all punishments inflicted by courts martial. In larger bodies, this disagreeable duty is confided to a provost-marshal. Stripes are usually inflicted at parade, in presence of the whole command, and at the time of the promulgation of the finding of the court. This humiliating punishment is rare in the army; but, when inflicted, regard is had to true humanity, and it is administered with a severity sufficient to make it fulfil its true object, to become a warning to misdoers.

CHAPTER XI.

Routine of duty in camp and garrison—Guard-mounting—Parade and police—Company kitchens, rations, &c.—Bread—Guard duty—Sentinels—Parole and countersign—Conduct of sentinels on post—Respect due them.

It is a general impression, that when not on the march or in action, the majority of every army lead an idle life. This is a great mistake. Troops in garrison have many things to attend to, none of which can be neglected without manifest injury to public property or to discipline.

To maintain the latter, it is asserted that every moment of the soldier's time is at the disposal of the country; and, to prevent this from becoming a mere theory, roll-calls are frequently held, to be absent from which is a military offence, and punishable as such by sentence of a regimental court martial, or, more frequently, at the discretion of the commanding officer of the company or troop. It would obviously enough be a matter of great labor, and consume much time, were the great roll of a regiment called at once. It is therefore usual for each company to parade separately and answer by itself to the roll, the first sergeant of each receiving the reply of each enlisted man, as his name is called; the officers reporting in person their presence.

The first roll-call is usually at dawn, and, according to it, the daily or morning report of each company is made, and the report of "present," "absent," "sick," &c., handed in to regimental head-quarters. This call

is at the first beat, or the *reveille*, at which hour the morning gun is fired.

Twenty-five minutes afterwards, when the quarters of the men shall have been put in police, is sounded, in mounted regiments, the stable-call, or signal to attend to the dressing, food and water of the horses of the regiment.

At seven o'clock, or afterwards, as the season of the year may be, the call for breakfast is beat or blown, at which time there is another roll-call. The intervening period between *reveille* and breakfast-call, is fully occupied in preparation for the morning parade, which takes place at troop, or nine o'clock, A. M. ; arms are brightened, boots blacked, metal ornaments cleaned, and uniforms brushed, during this time.

Half an hour before breakfast is usually blown or beat the sick call, attended only by orderly sergeants of companies and persons anxious to consult the medical officers of the regiment.

At the morning parade, conducted with great form and a most imposing ceremony, the national flag is hoisted, as the music beats down the line. The ceremony over, the officers advance and salute their commander, by uncovering, and the companies separately are marched to their quarters and dismissed, to replace their full uniforms by the simpler dress known as the *fatigue*.

The ceremony of guard-mounting then takes place, at which time the various out-posts, camp-guards, &c., are inspected, and, under charge of their respective officers, marched to their stations. At the same time the police party, charged with keeping the garrison or camp in order, commence their duties, and the party previously in charge is relieved.

Every change of guard, &c., in the army, is conducted with appropriate ceremonies, the details of which would scarcely interest the general reader.

At noon the first sergeant's call is sounded or beat, at which time these non-commissioned officers repair to the adjutant's office and receive all orders of a general nature, which it is their duty to report at once, whether they be written or verbal, to the officers of their companies.

One o'clock is the hour for dinner, when there is another roll-call. Discipline would require that the officers should dine at the same time in their appropriate mess.

Each company in garrison receives its rations usually through one of its sergeants. The provisions are prepared by cooks detailed from the company in the mess-room. The ration is ample and sufficient, far better in quantity than is enjoyed by laboring men generally.

The quartermaster's department issues fuel and a few bucket-like utensils of iron, called camp-kettles; but not plates, knives, or any of the other similar necessities of civilized life. The soldier from his *peculium* is not, however, called on to make an expenditure for these necessities, which are purchased from what is called the company fund. This is obtained in the following manner:

The ration of flour to each enlisted man is twenty ounces weight. It has been found that in every well-regulated bakery, $33\frac{1}{2}$ per centum weight is gained in the preparation of bread from chemical action, and the addition of yeast, water, and other ingredients. When, therefore, a company draws from the commissariat a hundred pounds of flour, it is handed at once to the garrison bakehouse, superintended by the same body

which affords a price on the sutler's goods, who return to the company a hundred pounds of bread, and convert the 32½ per cent., either by the sale of bread or flour, into a fund which is expended in the purchase of books, subscription to journals, provision for children attached to the regiment, purchase of the minor comforts of life for the troops, &c.

The rest of the ration is kept by the companies themselves; and being more than sufficient for their comfort, a surplus is returned to the commissary, who pays cash for it, expended afterwards for the comfort of the company.

The post fund receives no little increase monthly by a tax of so much per man levied on the sutler in consideration of his exclusive privilege of vending merchandise to the troops. These funds being derived from the rations of the enlisted men, they alone receive benefit from them.

There is another roll-call at retreat or sunset, when the flag is struck, and then at about nine o'clock, P. M., or *tattoo*, soon after which, at a given signal (*taps*), all lights are extinguished and the men required to be in their quarters. At retreat there is usually another parade, similar to that of the morning, when orders, &c., are made known to the whole command.

The intervening time is occupied by drills, police, &c. There never was a garrison so perfect in order and discipline that something could not be added to its comfort by the judicious application of labor. When it is recollected that the great majority of the military posts of the country are in the Indian territory beyond the pale of civilization, where the wear and tear of buildings must be repaired by the hands of those who inhabit them, it will be seen that the grass rarely has time to grow in the soldier's pathway.

No small part of the comfort of every post will be found to depend on the condition of the company gardens, which at some seasons of the year will occupy all the time of the command which is unoccupied by strictly military duty.

The guard duty of the army is onerous enough, and it with the other regular details will occupy one-tenth portion of the strength of a regiment. A man who has passed eight hours of the twenty-four on his feet, and has been permitted during the other sixteen only to enjoy such rest as he could take in full uniform and marching order, has a fair excuse for rest the next day.

Every regiment mounts one or more guards, varying in number in proportion to its strength, the men of which are divided into three reliefs or portions, each of which is on post for two hours and in the guard house or tent for four, after which it returns to duty again. The sentinels are posted wherever the commanding officer may think fit, and are ordered by day and night to protect all property from theft or wanton injury. They are also ordered to prevent all egress and ingress by unauthorized persons between tattoo and reveille.

The sentinel on post knows no one unless possessed of the countersign, or watchword, announced every day by the adjutant in a sealed note, and imparted only to those persons by rank or duty entitled to pass to or from unquestioned. Any one who has authority to pass thus, will either be placed in possession of the countersign, or accompanied in person by one who is. Yet another pass-word is given out to limit yet farther communication with the guard. This is called the *parole*.

Guards and sentinels while on duty are bound to respect officers, to all of whom they pay the military compliment of a salute; to the commanding officers and

all having the rank of field-officers and generals they present arms; to company officers they simply *carry*, not pausing in their walk. All bodies of troops, colors, &c., marching by they acknowledge with a salute. Medical officers receive the same compliments as officers of the grades with which they have assimilated rank.

It is a matter of military conduct long established, that a sentinel is supreme on his post, and should be interfered with by no one, except his superiors in his own guard, the officer of the day, or the commander of the garrison. No one else is competent to give him any command; and in case his orders are violated, he may legally enforce obedience with the loaded weapon he carries, or in any other manner.

The foregoing is an account of the organization and routine of duty in the army, and may aptly terminate this first book.

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BOOK II.

THE GENERAL-IN-CHIEF.

Palman qui meritis foret.

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CHAPTER I.

Louisiana—Increase of army—War of 1812-'15—Secretary of war—Major-generals—Conflict of rank—Brevet-rank again.

As previously stated, though the army of the United States had been partially disbanded, after the termination of the brief war with France, it had never ceased to exist. At the time of the acquisition of Louisiana, by Mr. Jefferson, it had been found necessary to garrison the forts of this vast territory, at least with a few troops attached to the country, until the new acquisition should have been filled up with persons born American citizens. The wisdom of this policy was afterwards fully experienced, at the time of that series of dark cabals known, if not in the history, at least in the legends of the country, as Burr's conspiracy. The army, at the time of the first apprehended difficulties with Great Britain, had also been increased, but always by a few regiments at a time; so that it was not thought necessary to establish the office of general-in-chief.

The president was therefore in fact, as in law, the head of the military establishment of the United States; and the troops of every section of the country were commanded by generals who, without regard to rank, were as independent of each other as, in the British service, a major-general commanding in Canada is of a lieutenant-general at the head of the army in Ireland.

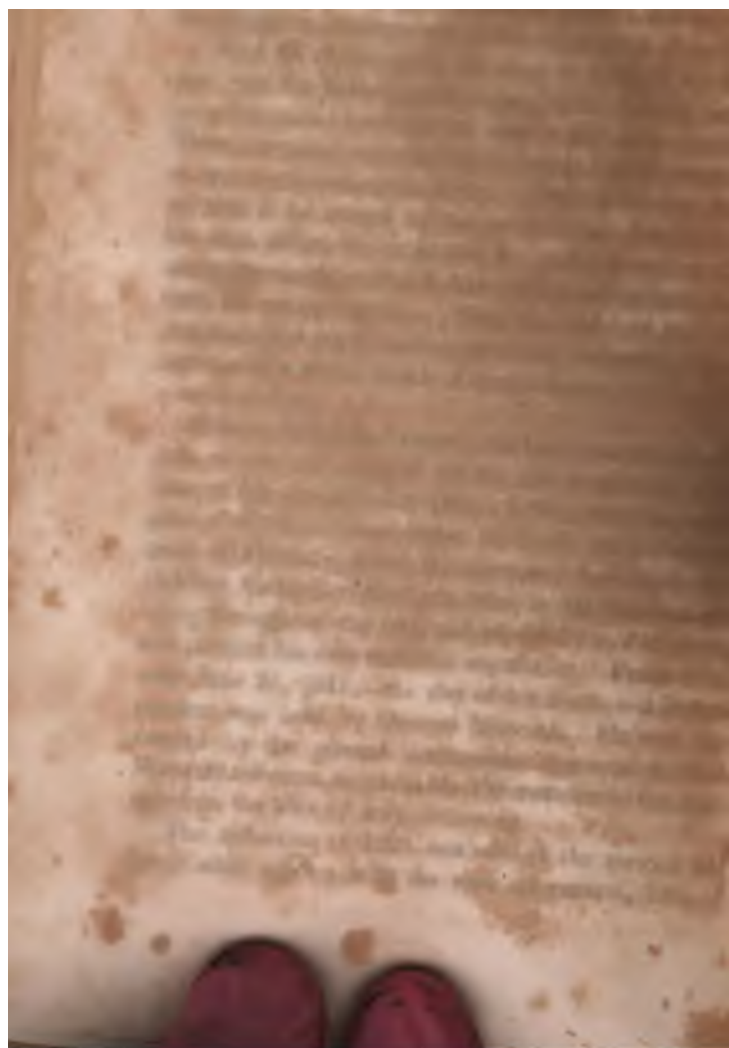
On this system, the whole of the campaigns of the

last war were fought,—it would be wrong to say conducted,—for there was everywhere absent the evidence of a master mind, which should have directed the general plan of operations. We shall see that there is evidence only that one *plan* was ever traced; and this was not fought in consequence of the ratification of peace.

After the reduction of the army in 1821, it was seen that even the limited establishment then retained, should be commanded by a military man rather than a civilian. There are many and cardinal objections to the ~~idea~~ ^{idea} of war commanding the army. Not the least of these is, that if he attend to the many other functions of his high office, the estimates, the communication with, and government of, the Indian tribes, he has quite insufficient to occupy his time. The command of the army also embraces many matters of detail, depending on the customs of service, which of course cannot be known by a mere civilian.

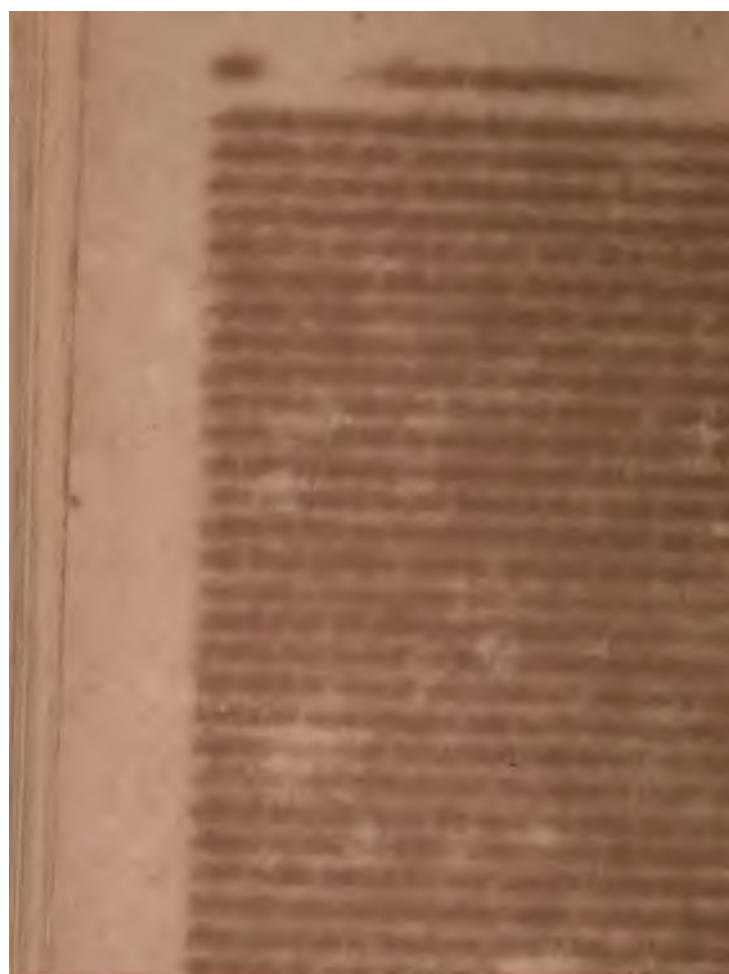
General Brown had earned this high trust by his conduct of the campaign of 1814; and moreover, at the time of his appointment (May, 1821), was the senior general of the service. After his death, on the twentieth of February, 1828, the command was confided to General Alexander Macomb, who, by his uniform gallantry throughout the war, and especially at Plattsburg, had merited his very enviable reputation. From 1828, until June 25, 1841,—the day of his death,—this commission was held by General Macomb. He was succeeded by the present distinguished general-in-chief, WINFIELD SCOTT, on whom Mr. Tyler conferred the command on the 25th of July, following.

The reduction of 1821 retained in the service but three other officers with the rank of general, two of





ALEXANDER MACOMB,
Late General in-Chief



whom (Generals Gaines and Jesup) have been in commission without interruption since. On the appointment of General Scott to the head of the army, the rank of brigadier-general was conferred on the senior inspector-general, John E. Wool, who, in addition to the rank of his commission, that of colonel, had held from April 29, 1826, the brevet of the grade to which he was appointed. General Jesup had been appointed quartermaster-general with the rank of brigadier, May 8, 1818, and had received the brevet of brigadier-general ten years afterwards, as was the custom of that day. General Gaines received his brevet as major-general for the defence of Fort Erie. It is dated August 15, 1814.

When the war with Mexico broke out, the president was authorized to appoint another major-general and two more brigadiers from the army proper. He conferred the first on General Taylor, who, for his conduct in Florida, and at Palo Alto and La Resaca, had earned, while yet a colonel, the successive brevets of brigadier and major-general. The two brigades were conferred on Colonels David E. Twiggs, of the second, and Stephen Watts Kearney, of the first dragoons.

It may not here be improper again to refer briefly to the subject of brevet rank. If it be held to confer command, General Gaines, with his brevet dating back to August 15, 1814, must be declared senior to General Taylor, and General Worth, a colonel in the army, with the brevet of major-general gallantly won in front of Monterey, the senior both of Wool, Kearney, and Twiggs. Nor would the matter rest here. A crowd of colonels of the staff and line would arise like the shadows in Macbeth's hall, with ghosts of old service, and claim command over their military superiors.

Long precedent would be offered for these; and

many brevets, conferred by the will of the executive alone (for until recently the consent of the senate was not required to a brevet), would supersede full commissions given with all the requisitions and conditions of the law.

Besides the above, who hold full commissions as generals, are the following officers with both regular and army rank arranged, with precedence according to the first.

| | | |
|-------------------|-----|---------------------------------------|
| Hugh Brady, | - - | Colonel 2d infantry, July 6, 1812. |
| George Gibson, | - - | Colonel staff, April 18, 1818. |
| Matthew Arbuckle, | - | Colonel 7th infantry, March 18, 1824. |
| Nathan Towson, | - | Colonel staff, May 8, 1822. |
| Roger Jones, | - - | Colonel staff, March 7, 1825. |
| George M. Brooke, | - | Colonel 5th infantry, July 15, 1831. |
| W. J. Worth, | - | Colonel 8th infantry, July 7, 1838. |

All of these officers have a brevet rank, the consequence of which will be striking. If it have effect, they must be arranged thus :

| | | |
|-------------------|-------|---|
| W. J. Worth, | - | Major-general by brevet, September, 1846. |
| Hugh Brady, | - - | Brevet brigadier-general, July 6, 1822. |
| George M. Brooke, | " " | " " September 17, 1824. |
| George Gibson, | - " " | " " April 29, 1826. |
| Matthew Arbuckle, | " " " | " " March 16, 1830. |
| Roger Jones, | - " " | " " June 7, 1832. |
| Nathan Towson, | - " " | " " June 30, 1834. |

The consequence further would be that Brigadier-Generals John E. Wool, David E. Twiggs, and Stephen W. Kearney, with full commissions, would be compelled to take rank below one of the youngest colonels of the infantry, and below General Brady. Those generals would in that case be reduced below all the brevet brigadier-generals in the army, with the exception of Wool, who has a brevet which would give him rank, according to this theory, from April 29, 1826.

This whole theory seems based upon a misconception. Brevet rank is an imitation of the English service, where it has never been acknowledged in the body of a regiment. Now in the English army there is no commission above that of colonel, the subsequent grades of major-general, lieutenant-general, general, and field-marshal being always conferred by brevet. Under these circumstances, of course, brevet rank has effect, there being no lineal rank to conflict with it, the acceptance of any brevet above the commission of colonel, being a promotion and vacating the prior commission. It is worth while here say, that the commission of colonel in England is not a technical command, but rather to be considered an emolument conferred on general officers. In one instance it has been held by a princess of the blood.

The annals of the army show more dispute to have arisen in consequence of this brevet rank, than all other matters in dispute. It seems to have had the property of transmuting the calmest and best-tempered men into hectoring and quarrelsome Bobadils. It is much to be regretted that congress did not accede to a petition made several years ago by General Scott, and by a declaratory act define it in one of the only ways by which this question can be terminated—by declaring either that brevets do not confer command, or are commissions.

CHAPTER II.

Extraction of General Scott—Early education—Study of the law—Proposed removal to South Carolina—Service as a private dragoon—Appointment in the army—Ordered to New Orleans—Trial—Return to Virginia.

For two generations, the ancestors of Winfield Scott have been born in Virginia. His father was the grandson of a Scottish gentleman, who, after the sad affair of 1745, when the hopes of the Stuarts were fatally wrecked, emigrated to America and established himself on an estate near Petersburg, where the present general was born. He was a second son, having an elder brother James, who commanded one of the Virginia regiments stationed at Norfolk during the war of 1812.

The mother of General Scott was named Ann Mason, a member of an old Virginia family celebrated both before and since the revolution. The father of General Scott was a planter and died young, leaving the charge of the education of his sons to his widow, a task she fulfilled ably until her death in 1803. Winfield Scott was then at that most critical period of life, the age of seventeen. He gave promise of what he has since become. He was brave, bold, and buoyant, partaking of that fiery and ambitious nature which characterized the state in which he was born.

He was at school with the celebrated Ogilvie, of Richmond, for some time, preparing himself for the bar, it is said, and under the tuition of that able master, who taught almost every one who since has become distinguished in Virginia, and laid the foundation of the scholarship for which he has since been remarkable. Many

who are now living in Richmond remember General Scott at that day, and add to the admiration of high talent and renown he has acquired, the tribute of personal friendship won only by the qualities of the heart.

From the high school at Richmond, which was not a chartered institution but a private enterprise, Winfield Scott went to the university of William and Mary, that *alma mater* of Jefferson, Madison, and all the worthies of Virginia. This institution, then under the control of Bishop Madison, a man of no small reputation in his own state, was in the height of its prosperity and considered to offer greater advantages than any other college in the United States. By many illustrious men, not the least of whom is Scott, this idea is shown to be well founded.

He there studied law, and in the office of David Robertson (well known in the legal literature of Virginia and the Union as the reporter of Burr's trial), who had been the tutor of his mother's brothers, completed his studies, and was admitted to the bar in 1806.

Scott was without fortune, and, anxious to advance himself as rapidly as possible, determined to avoid the competition he knew awaited him at home from the many able lawyers the bar of Virginia then comprised, who from fortune and extraneous circumstances might be enabled to excel him. He determined to establish himself in Charleston, South Carolina, and for that purpose made a trip thither in 1807. The year that intervened he passed in the office of his friend, Watkins Leigh, who has since received from his native state every honor it could heap on him. Though Mr. Leigh was some years the senior of General Scott, an intimacy begun in boyhood was then matured into a friendship firm as one based on mutual respect must ever be.

During the fall of the year 1807 he went to South Carolina, where he would have remained, but for a circumstance which, though regretted at the time, doubtless been the source of all his subsequent fortune. The law of South Carolina required that all persons admitted to practise law should have resided a year previously within the commonwealth. A bill was introduced into both the state senate and house of representatives, to exempt General Scott from this proviso. It passed one house, but failed in the other. Had it passed it is more than probable that he would not have been conspicuous as the champion of his country, and that the talent which made him the pacificator of South Carolina would have been exerted with that of his two distinguished countrymen,* Calhoun and Preston, as a vindicator of nullification. Who can say what in this case would have been the result?

Previous to his departure for South Carolina, he had volunteered as a member of a troop of horse from Petersburg, called out by Mr. Jefferson to enforce his proclamation excluding British vessels from the harbors of the United States. This troop was stationed on the shores of Linhaven Bay during the short time it was in service.

The tour of duty was soon over, and was not remarkable for anything except that Watkins Leigh and Winfield Scott served in it as full privates, and may be considered as fair specimens of that spirit which has ever induced the little town of Petersburg to boast that it was the cockade of the Union.

This was the period when the national spirit was roused into fury by the attack on the Chesapeake frigate; and in all the discussions which took place in Eastern

* Both are Virginians.

Virginia, Scott participated actively with the anti-slavery party of that day. He was a warm advocate of the embargo law, which was enacted in December, 1807, and of the non-intercourse law, which was passed in March, 1808.

During this session of congress a bill was introduced increasing the army, but a majority of which was not retained since the disavowal of the British overtures, and Scott applied for one of the commissions. The anxiety for war in the country had somewhat subsided; and as the bill did not pass a majority he devoted himself to his practice, while he never failed to promise him home and country. The war lasted, however, about the end of 1809, and during the twenty-two years that he remained a member of the artillery.

Many prominent men were in 1809 expected in the future success, and he knew well enough of his place among them. Among them were the late president James Madison afterwards president of the "Federalist" party, and W. B. Giles, a distinguished statesman, who subsequently became governor of the State and a senator of the United States.

General Scott's first commission was in 1808; and, with the exception of General Taylor, General Brady and General Grant, and General Sherman, General Tyler and General Sherman, he had been in the army longer than any other now in commission. The war of 1812 was common date among the old officers of the army. General Scott was a general when the war broke out, and the several distinguished generals who were in the war, and who were first appointed in the same year.

The war, which had seemed so imminent, did not come. The people of the United States seemed to

forget they had a country, in the intensity of their sympathy either with France or England. In large sections of the republic there existed a party so completely Anglo-Gallican, that it opposed the war, not because it disapproved of it either on abstract principles or on the ground of policy, but because the declaration by the United States would be a powerful assistance to the French emperor whom it so much detested. It is not improbable that the war never would have occurred had not Great Britain, with most inconceivable arrogance, ventured to reassert her already antiquated usurpation of the practice of impressment of persons born her subjects, wherever she might find them. To make this outrage yet more intolerable, it was not confined to these only, but, in many instances, Americans, who had never seen England, were forced to serve under a flag they had discarded, against nations with whom their country was at peace.

During the discussions which preceded the war more immediately, Scott did not participate, from the fact that he bore the military commission of his country. He had, however, been bred in the Jeffersonian school of politics (no man in Virginia ever professed any other), and supported warmly Mr. Jefferson and his successor, Mr. Madison.

Immediately on his appointment, Captain Scott proceeded to recruit his company, which he did in Richmond and the villages about it. As the new territory acquired by the United States in the purchase of Louisiana was supposed to be peculiarly liable to invasion by Britain, no small portion of new levies were ordered thither, among which was Captain Scott's company of flying artillery. This apprehension was well founded. No one who has studied the policy of Great Britain can

doubt that nothing but the demonstrations made by the United States against Canada diverted England from such a scheme in the first year of the war, and that if General Jackson had failed in repulsing Packenham, the sale by Napoleon would have been disregarded, and Louisiana either been returned to the Bourbons or retained as an English dependency. *Dix aliter placuit*; and this circumstance, in addition to its peculiar brilliancy, has contributed to make the campaign of General Jackson at New Orleans one of the most important which have ever ministered to the progress of humanity.

The keen and astute English politicians had not been insensible to the vast commercial importance of the mouth of the Mississippi. They were aware of the value of that mighty river for which their fathers had waged a war of a century, and longed to strike one blow for its recovery from the grasp of their offspring, of whom they had become jealous. They knew it was destined ultimately to become the home of the greater portion of the race which spoke their tongue. It is by no means unlikely that the United States were driven to hostility to afford an excuse for seizing that territory and changing into subsidiaries a nation of rivals. Luckily, however, the people of the United States saw this, and the homely maxim of *forewarned forearmed* was brilliantly illustrated.

The letters of General Scott at this period, carefully reasured up by many friends, exhibit a mind inquiring even beyond his age, looking deeply and seeing distinctly far into the resources of this country. He saw in it the germ of great prosperity, and while aware that in its forests were hidden twenty rivals of his idolized native state, he saw the elements of the future irresistible power of the Union.

Captain Scott was ordered to Louisiana in the year 1809, as has been stated, holding his first commission, that of captain; and there made his *debut* in actual service. The army unfortunately was not then what it is now; and he had to live familiarly with many, of whom, under other circumstances, he certainly would not have made associates. The military academy had then been but a short time in operation, and in spite of the presence of the gallant Gaines, the sturdy Arbuckle, Momy, and even at that time the veteran Walbach, the morale of the army was at as low an ebb as the tone of education, and the mass looked with jealousy on any one with greater acquirements than themselves. Petty difficulties soon occurred, in which General Wilkinson had so little dignity as to suffer himself to be involved.

The origin of these difficulties was curious. Time has so obscured the motives and conduct of Colonel Aaron Burr, in relation to his Mexican scheme, that very many are now found who believe that wild as it was, there was no *treason* meditated against the United States. Such, however, was not the general opinion of the day; and Scott, who had been a spectator of his trial at Richmond, a pupil of David Robertson, who reported it, and a friend of Hay, the district attorney, who had prosecuted Burr, was familiar with all its details, and had formed the most unfavorable opinion in relation to him, Wilkinson, and *it is said* other persons, who subsequently obtained high rank, but had been more than suspected of having shared the peril of this secret.

General Wilkinson then commanded in New Orleans; and having become satisfied that Scott possessed a cool head, a ready pen, a strong arm, and great resolution, sought to make him his friend. He failed to do so, and having yet further compromised himself, sought by a

series of petty annoyances to force the young captain from the service.

A blunder of the general, not the only one he ever committed, soon brought the difficulty to a climax. In the middle of the summer of 1809, the troops were encamped below New Orleans, near the river. It is scarcely necessary to say what were the consequences of this step. The only firm land to be found there, is a narrow strip immediately on the bank, which is checkered by sluggish *bayous*, communicating with the marshes which constitute the greater part of the delta. Violent fevers occurred which carried off more than half of the army, and forced the general to remove the remainder to Natchez, where the hills first approach the Mississippi. General Wilkinson was at once relieved by General Hampton, and ordered to Washington that his conduct might be investigated.

The general's conduct on this and other occasions was the subject of very general remark, and as he was not *in command*, was censured with much freedom. Captain Scott, who was then but twenty-three years of age, participated in these strictures, which some mischief-maker reported to the general. Officers of rank, from the nature of things, have a kind of fellow feeling for each other; and it was not difficult to induce General Hampton to order a court martial to try a captain of artillery, who had dared to scrutinize the conduct of a general officer. General Wilkinson had not as yet left Louisiana for Washington, and the conviction of Captain Scott was probably intended to be a kind of endorsement of his own character. Just then it needed some such certificate.

The charges against Captain Scott were two, and an additional charge:

The first was, conduct unbecoming an officer and gentleman; the specification or allegation on which the charge was based, was that Captain Scott had, in September and October, 1808, withheld from his men their pay.

The second charge was also unofficerlike conduct, and the specification stated that Scott had behaved disrespectfully to his superior officer, in violation of the sixth article of war.* To support this there was no evidence.

The third or additional charge was unofficerlike and ungentlemanly conduct. Its specification alleged that at a dinner-table Captain Scott had stated that Colonel Burr and General Wilkinson were both traitors, and that the latter was a liar and scoundrel.

The finding and sentence of the court *will best explain the idea* they took of the matter.

1. "Guilty of the first specification of the first charge, and pronounce his conduct unofficer-like. (Not ungentlemanly.)

2. "The court acquit the prisoner of the second charge and specification.

3. "The court find the prisoner guilty of the first specification of the additional charge, but not guilty of the second specification; and pronounce his conduct unofficer-like; and sentence him to be suspended from all rank, pay, and emoluments, for the space of twelve months. *But the court have no hesitation in acquitting the prisoner of all fraudulent intentions in detaining the pay of his men.*—The court adjourned.

" * * The court met pursuant to adjournment, and

* See Appendix.

recommended to the general the remission of nine months of Captain Scott's suspension.

(Signed,) "H. RUSSELL,

Colonel of the 7th infantry, president.

WILLIAM KING,

Lieutenant of infantry, judge advocate."

It will also be remembered that this court was convened by Scott's opponents, of old officers to try one who, recently appointed to a company without having submitted to the probation of a lieutenancy, was thought an intruder.

The circumstances of the charge which relates to his company's pay may need some explanation. Captain Scott was an inexperienced officer, and little familiar with the *routine* of the army. He had recruited his company in the interior of Virginia, and while there, previous to his going southward, had received several hundred dollars for their service. The system of army accountability is peculiar. Not unfrequently the returns of men who have been twenty years in the service are sent back for informality, and some of the receipts taken by the young captain, though they would have been satisfactory vouchers in any court of Christendom, would not satisfy the second auditor. The amount thus unaccounted for was less than fifty dollars. The court, however, by acquitting him of all fraudulent intention, have placed the matter in its true light.

On one charge he was found guilty, and suspended from command for a year.

This trial took place at Washington, near Natchez, where such an interpretation was placed on the whole affair, that the citizens of the town and neighborhood almost immediately offered him a public dinner, which

he accepted. General Hampton remitted no portion of Scott's sentence, and he therefore returned to Virginia.

Wilkinson was unfortunate as a man and as a general; and, perhaps, aggravated by the comparison people would make of his wretched campaign in 1813, and his ignoble repulse in 1814, with the triumphs of Scott at Niagara, &c., published, immediately after the war, an account of this court martial, which otherwise would have slept amid the records of an obscure frontier post. The blow recoiled on himself, and recalled public attention to scenes and recollections it would have been far better for his fame had he left undisturbed.

While in Virginia, Scott was invited by his old friend, Mr. Leigh, to make his house his home, and, by his advice, prosecuted the study of the theory of his profession. This year of study probably contributed, more than anything else, to make Scott what he afterwards became, one of the most thorough tacticians of the day, by inspiring a taste for researches into the profundities of the military art, which have been prosecuted in all his moments of leisure, for thirty-five years. The result of this application has given him a position certainly second to that of no one of the great military men of the age.

The danger of hostilities had again become imminent, and Captain Scott was afraid that war would be declared before his sentence had expired. This, however, was not the case,—his sentence expiring in 1811, while war was not declared until June 18th, 1812; long previous to which, Captain Scott had been returned to duty. He was in the interim the judge advocate of the court martial which tried an officer of rank; and, in his management of the case, showed that he had not forgotten his first profession, the law. The people of

the United States had lost all patience at the many indignities offered by Great Britain, and had by no means forgotten their hostile intentions. Previous to the positive declaration of war, General Hull had been assigned to the command of the territory of Michigan, with an army intended and prepared to invade Canada. General William Henry Harrison had also been authorized to raise a body of two regiments of mounted men, which he did without difficulty, from the state of Kentucky and the territories north of the Ohio river.

Hull with his forces arrived at Detroit on the 30th of June, and on the 12th of July crossed the river of Detroit for the purpose of conquering Canada. After issuing a proclamation like nothing the world had previously seen (Ampudia had not then written), he suffered a month to pass by in inactivity, and on the 14th of August surrendered to General Brock one of the best equipped armies the country had as yet put in the field.

Under these unhappy auspices the war began. They were not sufficient, however, to daunt the popular mind, which had gone into the strife with great deliberation, and nerved itself for a stern conflict. Preparations were continued, and within thirty days a large force was collected on the Niagara frontier.

We next find General Scott a lieutenant-colonel in the regiment of Izard, the second artillery. The army had been largely increased, and the expectation formed of Scott had been so high that the intermediate grade of major had been entirely overleaped. He was stationed with two other companies of the same regiment, one of which was commanded by the present General Towson, at Black Rock, to protect the navy yard recently established there.

The late Commodore Elliot, then a lieutenant of the

navy, was in command on that portion of Ontario at this time, and arranged an expedition to cut out two well-armed brigs, which were stationed under the guns of the British Fort Erie. He applied to Colonel Scott for assistance in his enterprise, a request at once acceded to. Captain Towson was sent with his company on the 6th of October, 1812. About dawn on the morning of the 7th the attack was made with entire success, Elliot in person carrying one of the brigs, the Adams, and the other, the Caledonia, being captured by Towson. With him was Isaac Roach, then a lieutenant, and since the mayor of Philadelphia. From some reason unexplained, in bringing their prizes off the Adams became involved in the intricacies of the channel and got on shore, on what is called Squaw Island, within range of Fort Erie, where it was impossible to get her off. Elliot therefore resolved to desert her, which he did after having under a heavy fire secured his prisoners. The enemy made an attempt with boats to retake the prize, but were foiled by Colonel Scott, who on this occasion rendered his first active service. The brig remained as a trophy until she was burned afterwards by orders of General Smythe. The Caledonia was with Commodore Perry in his victory on Lake Erie.

By the month of October, 1812, Major-General Van Rensselaer had collected together two thousand eight hundred of the militia of New York. The success of the enterprise against the vessels was important in the fact that it infused confidence into the minds of the militia, and they insisted either on being led against the enemy or being sent home. Besides the militia, the general was at the head of four hundred and fifty regulars, commanded by Colonels Fenwick and Chrystie and Major Mullany, who had recently been sent to his head-quarters from

para with their troops, to participate in an expedition against Queenstown heights, planned to gratify the enthusiasm of the troops. This expedition should never have been made, and its results were, that nearly five hundred men, whose services were then much needed, were exposed to the undisciplined ardor and insubordination of militia.

The affair was, however, so important in its consequences, that, without impropriety, a separate chapter is appropriated to it.

CHAPTER III.

The Battle of Queenstown—British policy—General Van Rensselaer—General Wool—General Kearney, &c.—General Brock—His death—General Wadsworth—Indian forces—Surrender of the American force by Colonel Scott—Carrleton with the Indians while a prisoner, &c.

THE village of Queenstown, then insignificant in commercial importance, had assumed some relative value, from being situated on an eminence or *cote*, which commanded the narrowest portion of the Niagara river, which expanded into a lagoon above Lewistown, and below Fort Grey. On this eminence the English forces had erected a strong battery, which not only commanded the river, but was further valuable, inasmuch as it would form a *point d'appui*, whence, in the contemplated invasion of Canada, the various operations might conveniently radiate. This scheme of invasion was always in the minds of the rulers of both countries, each of whom saw distinctly that it were far better the war should be carried on in the enemy's country than on their own soil. On the part of the American statesmen, it was peculiarly wise; for the whole policy of Great Britain, striking at Michigan, Louisiana, and Alabama (the sparse population of which had not been born under our flag), showed a disposition, not "by lawful and just means to injure the United States, but to make conquests for its king." The first demonstration made by the United States forces, since Hull's disgraceful surrender, was against the strong position of Queenstown.

The plan of the general-in-command was correct enough; at least it merits no particular censure, except that he opposed to British veterans a force the mass of which was undisciplined, and threw his best troops in the advance,—thus depriving himself of all support in case they were defeated. His plan was to throw across the river two columns of troops, the combined strength of which was about six hundred, commanded, the one by Lieutenant-Colonel Chrystie, of the army, and the other by Colonel Solomon Van Rensselaer, of the New York militia. Two detachments, mentioned in the previous chapter, and commanded by Colonel Fenwick and Major Mullany, of the army, were ordered to follow the first, and afterwards act according to circumstances. This last direction, though frequently given, is by military critics considered to denote that, in the mind of the general, there is no fixed plan of operations, and that chance is confided in as one of the elements of war. On the evening of the 12th of October, these arrangements having been made previously, Colonel Scott arrived with his command. He had effected a forced march, through mud and rain, and reached Schlosser, near the Falls and eight miles from Lewistown, to join in the contemplated attack. He had proceeded at once to the general's head-quarters, and volunteered his services with his command. The general declined them, alleging that his arrangements were already made. The probable reason, however, was, that Colonel Scott's place on the register would have made him senior to one of the officers appointed to lead the columns already designated. Colonel Scott, however, obtained permission for himself to cross the river and act as circumstances might require. Such was the activity he displayed, that, at four o'clock, A. M., on the morning of

the 13th, he was at Lewinstown, with his command, which he had brought from Schlosser by another fast march.

General Van Rensselaer had collected no boats, till Scott was, therefore, compelled to restrict his operations to placing his guns in battery on the New York shore. They were most efficiently served by his juniors, Captains Barker and Towson.

General Van Rensselaer, in the interim, proceeded to send across the river the columns above referred to, in detachments, the number of boats being altogether inadequate to transport the whole at once. The leader of the second column, Lieutenant-Colonel Chrysie, became involved in the currents with his boat, the pilot of which seems to have been inadequate to his task; and after an attempt to land, was forced to return with a wound, as a token of his valor, to the American shore.

The first troops which landed were two companies of the thirteenth regiment, which, in spite of the heavy fire of the British battery, kept their ground against the only opponents yet sent against them, the flank companies of the forty-ninth regiment and the Canadian militia from York. The two companies of the thirteenth, though numbering only about one hundred men, still advanced resolutely and firmly in the face of the fire of the battery, which was concentrated on them.

In the course of a few minutes every commissioned officer was killed or wounded, and finally Colonel Van Rensselaer was forced by a fourth wound to retire. He, before doing so, ordered all who could move to storm the battery, an order promptly executed by General Wool, then a captain, and his juniors, among whom were the present General Kearney, first lieutenant of the thirteenth foot, and Thomas B. Randolph, of the

second artillery. The last named officer is now lieutenant-colonel of the Virginia regiment of twelve companies, now in service in Mexico. They, with others, rushed up the hill, took the battery, in which were an eighteen-pounder and two mortars half way up the ascent, the very peak of which they soon gained. The enemy at once retreated and were driven to a strong stone building on the river's bank, where they were joined by General Brock, himself a host, who, having received the surrender of Hull's army, was come to assume the command of the Niagara frontier. This was his last service, for he fell here at the head of his troops, whom he was leading to the charge of the Americans, somewhat dispersed by the eagerness of the pursuit. He fell by a musket shot, fired, it is said, in this irregular contest, by a soldier, who but a few years since was a sergeant of the third regiment of United States infantry. With General Brock fell his secretary, Colonel McDonald, and the British troops were a second time routed. Colonel Chrystie and Colonel Van Rensselaer having both been wounded, Colonel Scott was permitted to cross the river with his adjutant, Lieutenant Roach, and assume the command of all the troops engaged, who, without any officer to lead them, had not prosecuted the advantages they had won. One of the first persons he met after doing so was General Wadsworth, of the New York militia, a member of the influential family owning the Genesee-Flats. Though General Wadsworth had crossed without orders, Scott proposed to restrict his own command to the regulars. This, with the true chivalry of the soldier, and the self-sacrificing spirit of a patriot, Wadsworth would not consent to, but insisted on the lieutenant-colonel's assuming the command. "You, sir, know best professionally what should be

done. I am here for the honor of my country and the New York militia." There is not a doubt that Scott was entitled to the command, yet it is notorious that scarcely an officer of militia in the United States would have recognised the fact; and the forbearance of Wadsworth is entitled to full approbation. Scott assumed command, and Wadsworth took care that the militia obeyed him, exposing himself in every part of the field with an audacity especially commendable, as but little *eclat* could be acquired by an officer serving under the orders of one who was by two grades his junior. This was the commencement of an intimacy between two brave men, scarcely to be appreciated but by others like them.

Scott's forces, when he arrived, consisted of about three hundred and fifty regulars, and about two hundred and fifty state troops, commanded immediately by Colonel Stranahan of New York and General Wadsworth; these were posted by Captain Totten (now Colonel Totten of the engineers), in a strong and advantageous position. Scott sought for a time to stand on the defensive, to secure the control of the ferry at Lewistown, across which he expected the whole of the militia stationed there to pass.

The cannonade of the morning had informed the British garrison of Fort George of what was going on, and they immediately proposed to participate in the day's adventures. A large Indian force also joined them, it having been previously embodied for the purpose of co-operating in the invasion of New York. The British government, though boasting of humanity and civilization, could not resist the temptation of inflicting all the evils of savage warfare on its enemies. Five hundred Indians had joined the portion of the 49th previously engaged, and a new battle was begun. In

~~The~~ interim Colonel Chrystie, though severely wounded, ~~had~~ led reinforcements to the Canada shore, where he ~~found~~ that Scott had already routed his enemy. In a letter written and published subsequently, he bore testimony to the valor there displayed by Colonel Scott.

Anxious to keep open his communication with Lewistown, Colonel Scott resumed the position designated by Captain Totten, and maintained it against many attempts made by the British, who had already been reinforced, to drive him from it. At one period the American outposts were driven in and a general defeat seemed imminent. Just then Colonel Scott, who had been temporarily in the rear, where he was endeavoring to unspike a gun, returned to the front and rallied the whole line which drove the British *pèle-mêle* from the field, with a heavy loss of killed and wounded. The cheer which the American forces gave at this crisis, is said to have been a fair specimen of those fearful yells which have so much astonished and terrified the Mexican army. At last the British column headed by Major-General Sheaffe arrived from Fort George, leaving the superiority of forces north of the river decidedly with the British.

No troops could fight better than the militia who crossed over with General Wadsworth; but those at Lewistown were suddenly seized with constitutional scruples and refused to move. General Van Rensselaer besought them not to see their countrymen on the other side of the river sacrificed. It was, however, in vain, and not one company moved. This fact was communicated to Scott, and decided him to adopt the course he ultimately pursued. The British forces on the field must have amounted then to at least thirteen hundred men, to oppose whom Scott had but three hundred and fifty. The militia had refused to succor them, and there

was not a possibility of retreat, from the fact that the boats provided were insufficient even to pass over this small force, except by detachments. Colonel Scott determined to fight the matter out, or at least not to surrender until resistance had become more hopeless than it seemed as yet.

He appealed to his men, and asked who would stand by him, in a resistance which he saw was necessary to wipe out the stain left on the nation by Hull's surrender. Since the birth of the nation, American regulars have never disappointed their officers, who have never called on them to fly. The volunteers with Scott now equalled them in staunchness, and every voice of the whole command expressed willingness to abide by him. General Sheaffe was a brave but prudent officer, and manoeuvred with great circumspection,—satisfied, by what had already occurred, that he was to anticipate no easy conquest. He finally surrounded the American command, and gave the signal for attack. Against such odds of the best British regulars, the Americans, after a stout resistance, were forced to yield the ground, from which they made their way by passing down an almost perpendicular hill, where they were forced to support themselves by the bushes, to the river bank. There Scott called around him his officers, and it became manifest that he must surrender.

After several persons, who had been sent with a flag to treat, had been shot by the Indians, the commanding officer determined to go himself. Fastening a white handkerchief to his sword, he set out, accompanied by Captains Totten and Gibson, the one now chief of ordnance, and the other commissary-general of the army, to ask a parley. After a personal conflict with a party of six Indians, from the hands of whom they were rescued by

At the timely arrival of an English officer, they were conducted to the presence of General Sheaffe, to whom the American force was surrendered as prisoners of war. The force which had been under Colonel Scott's orders, of which he surrendered, were one hundred and thirty-nine regulars, and one hundred and fifty-four militia, rank and file.

After Scott had surrendered, in terms which included the American troops north of the river, he learned that a large body of the militia from Lewistown had crossed the river, probably after the repulse of the first attack by General Sheaffe, but, speedily becoming panic-stricken, had hidden in the brushwood of the precipitous bank. They were of course surrendered, seemingly having crossed over only for the purpose of swelling the English triumph. Had they crossed when the Americans had possession of their strong position, the result might have been otherwise. A fatality seemed, however, to attend all the operations of the American forces, in the early part of this war; and the absurd conduct of the use of the militia, everywhere on the Atlantic coast and the lakes, contributed not a little to this state of things.

The tall, soldierly form of Colonel Scott, his brilliant uniform, and the careless manner in which he exposed himself to the Indians and British marksmen, who, however much they complained of the American rifle, never hesitated to pick off officers, won the admiration of all who had witnessed the fight, whether American or English.

The loss of the American forces may be estimated as follows: surrendered by Scott, two hundred and ninety-three; killed, one hundred; captured with Major Callany (who by the ignorance of his pilot was taken

under the enemy's batteries, two hundred; militia lost on the British side after the fight, which they had fought, four hundred. The whole affair was a stampede. The militia had forced General Van Rensselaer to attack the enemy sooner than just preparation admitted; yet when called on to redeem their promise, refused to do so. The general had in the first instance rejected the service of Scott, who subsequently was the savior of the national honor; and after having refused from constitutional scruples to cross the river to fight, the militia in some number did so to surrender.

All was lost except honor, which in this case had cost a peculiarly high price. It cannot be doubted that, but for the brilliancy of the service of the young lieutenant-colonel, the whole nation would have felt discouraged. Far different was the result—the government was taught that the safest and therefore the cheapest plan it could adopt, was to fill up the regiments authorized and march them against the enemy, and by care and time transform its volunteers, as it has been satisfactorily shown can be done by time and discipline, into troops capable of contending triumphantly with the proven veterans of any other nation.

This is the date of the new army's service. Here Totten, Chrystie, Wool, and their companions laid the foundation of their reputations, and impressed on the American mind the fact, that the homely blue jackets of our own soldiers covered as brave hearts as beat beneath the scarlet of the royal guards.

Wadsworth and Colonel Van Rensselaer also merited the applause they received, and wiped out, by the services of their commands, a stigma which might otherwise have affected all the militia forces.

After the surrender occurred one of those circum-

stances which, on the principle that great actions display character while small events betray it, will show that Scott was not merely an actor supported by pride and ambition only, but really a brave man, with a quick hand and ready wit. The prisoners after the surrender were marched to the village of Niagara, where the officers were placed in a small inn, and a sentinel posted at the door with orders to permit none to pass out, but not to intrude otherwise on them. Colonel Scott after some-time received a message that some one wished to speak to the tall American, and immediately proceeded to the hall of the house to ascertain who wished to see him. His visitors proved to be two of the party of Indians who had attacked him while bearing the flag of truce. One of them Scott recognised at once, by his tall stature, as a chief known as Captain Jacobs; the other, though a son of the celebrated Brant, had less fame, but was a powerful and muscular man. In a jargon in which might be traced a confusion of Indian and the two European languages spoken in Canada, they questioned Colonel Scott as to whether he was wounded or not, and informed him they had frequently fired at him. The chief at length became angry, and seized the colonel to turn him around in order that he might examine his back. Any one who has ever looked into the wild fiery eye of the general, may readily conceive how he felt at this familiarity. With one effort of his muscular arm he threw the Indian to the other side of the hall, and at the same time said, "Go, villain; you shot like a squaw!" The taunt, and what had previously occurred, lashed the chief into a fury, and he rushed upon Scott with his knife drawn. His companion followed his example.

The idea of asking for assistance did not enter the

mind of Colonel Scott ; and had retreat been possible would have died before he would have moved step. Fortune always favors the brave ; and Scott within his grasp the swords of his captive companions. With a soldier's eye he selected the longest, which chanced to be a heavy dragoon sabre, which probably had been worn by one of the volunteer officers. The heavy steel scabbard fell from it immediately, and with one step to the side, Scott placed himself in such a position that he was enabled to keep the point at Jacobs' breast, at the same time that he was in guard towards his companion. Jacobs' life was in the power of Scott, who seemed nothing loath to take it. At the same time it seemed not improbable that Scott would scarcely be able to foil the other, in spite of his occupying a position which rendered it impossible for them to attack him in the rear. At this moment Captain Coffin, a nephew of the well known admiral Sir Isaac Coffin, and an aide of General Sheaffe, entered on a visit of courtesy to the prisoners, and, amazed at what he saw, called loudly for the guard. At the same moment he placed a pistol at Jacobs' head and seized Brant by the arm. The sentinels came in immediately on being called for. In the whole affair there had been no noise ; and they dragged off the two Indians, who most cordially cursed all white men and all the laws of war.

The Indians could not be induced to forgive Colonel Scott the slaughter of their people, a very large proportion of whom were killed in the first attack, in which General Sheaffe commanded. So violent was this feeling that it was necessary to provide a guard to protect Colonel Scott, even when he went from his prison on a visit to the British officers who had extended civilities to him.

After the surrender, the body of General Brock was buried beneath a bastion at Fort St. George, with all the honors due his high rank and great fame. England had produced few men who were more highly estimated; so much so, that it was long a matter of discussion whether he or the afterwards world-renowned Wellington should be assigned to the command in Spain. Wellington, from family influence, was the successful aspirant, and by his brilliant achievements proved that once at least patronage had supported a person worthy of the boon at stake. He is now a duke, and one of the most influential men in the world, while the body of his rival rests in an obscure village of a colony, already nearly forgotten by the country for which he died. If fortune be not blind, her freaks are often most whimsical.

At the request of Colonel Scott, the commander of Fort Niagara, opposite to Fort St. George, fired minute-guns during the funeral ceremony. This compliment is said to have sensibly touched the hearts of the British officers, and to have induced a tone of good feeling towards Scott, from which he was afterwards able to extract much advantage, both to the United States and to Great Britain.

The prisoners taken at Queenstown were at once despatched to Quebec; and, having been subsequently exchanged, were sent in a cartel to Boston. Before sailing, however, a difficulty occurred, which placed Scott in a most enviable light before the nation, and served to illustrate more highly the peculiar strength of character which has always enabled him to act so quickly, yet so prudently, in emergencies. Colonel Scott sate in the cabin of the vessel, whence he was induced to come in consequence of a noise and angry dispute on deck. He found a number of

officers parading the prisoners and seeking to ascertain from them whether they desired to be British subjects, for the purpose of sending them as prisoners to England. It is said that Scott was having been taken in some manner to King. About twenty-three had been selected, who Scott reached the dock; and he was aware there were many more similarly situated among the troops, all of whom seemed to suffer much distress at the idea of the fate which awaited them. Scott understood the matter at once, and bade the men answer no questions, in order that their accents might not be made evidence against them. They obeyed him to the letter, standing mute as statues, in spite of angry threats from the British officers. Scott was ordered to go below, but he too seemed to have become petrified. He told the men who had already been selected that they might assure themselves the government would protect them, or that, if maltreated, they would be fully avenged. He pledged himself personally to them, that if they suffered, retaliation would be made, even if he were driven to the necessity of refusing quarter in battle. He was unarmed, of course; but yet contrived to resist all the interruptions of the British officers, which were many and frequent. The persons who had been selected, were ironed immediately, by order of Sir George Provost, who had planned the whole affair, placed on board a frigate, and sent to England. Immediately on arriving at Boston, Scott proceeded to the seat of government, where all the formalities of his exchange were completed.

The president was informed personally by him of what had occurred, and Scott, at his request, reduced the whole statement to writing, in the following distinct and concise terms. It is, as Captain Mansfield states, the basis of the whole controversy, which afterwards

assumed great importance, and may, without impropriety, be introduced here.

"SIR,—I think it my duty to lay before the department that, on the arrival at Quebec of the American prisoners of war surrendered at Queenstown, they were mustered and examined by British officers appointed to that duty, and every native-born of the United Kingdoms of Great Britain and Ireland sequestered, and sent on board a ship of war then in the harbor. The vessel, in a few days thereafter, sailed for England, with these persons on board. Between fifteen and twenty persons were thus taken from us, natives of Ireland, several of whom were known by their platoon officers to be naturalized citizens of the United States, and others to have been long residents within the same. One in particular, whose name has escaped me, besides having complied with all the conditions of our naturalization laws, was represented to have left a wife and five children, all of them born within the state of New York.

I distinctly understood, as well from the officers who came on board the prison-ship for the above purposes, as from others with whom I remonstrated on this subject, that it was the determination of the British government, as expressed through Sir George Provost, to punish every man whom it might subject to its power, found in arms against the British king, contrary to his native allegiance.

I have the honor to be, sir,

Your most obedient servant,

W. SCOTT,

Lieutenant-Colonel U. S. 2d Artillery."

The following were the names of the men, as afterwards published in the American State Papers :

Henry Kelly, Henry Blaney, George M'Cannan, John Dolton, Michael Condon, John Clark, Peter Barr, Andrew Doyle, John McGowan, James Gill, John Falsum, Patrick McBraharty, Matthew Mooney, Patrick Karna, John Fitzgerald, John Wiley, John Donnelly, John Currey, Nathan Shaley, Edward M'Garrigan, John Dinnue, John Williams, George Johnson.

This report was, on the same day, sent to both the senate and house, both of which soon passed the bill vesting the president of the United States with the power of retaliation.

Two months afterwards Colonel Scott captured Fort George, filled with prisoners, from whom he selected twenty-three, who were sent to the United States as hostages for the Irishmen who were imprisoned in England. Every person thus selected was an Englishman, in order that if the British government persisted in its brutality, one Irishman might not be made to avenge another.

This strange conduct of Great Britain was based on one of those ideas, which, though flagrantly untenable, with true insular obstinacy she has never been induced to abandon. In the beginning of the war she had uniformly held that persons born her subjects could not renounce their allegiance, and had under this pretext, proceeded to imprison seamen taken under the American flag. When the Nautilus was captured, six of her seamen were thus ironed and sent to England to be tried as TRAITORS. Commodore Rogers heard of this, and immediately imprisoned twelve Englishmen, among them an officer, as security for the first. They were closely confined until information was received of the discharge of the American prisoners. Repeated other instances occurred, which are reported *in extenso* in the

state papers and journals of the day. The consequence of this firmness of the government was good. Not one prisoner was executed in England. Had the government temporized, hecatombs would have fallen.

This action of the American generals and of congress, in due course of time, was known in England. The Earl of Bathurst, one of the royal ministers, immediately addressed a letter to Sir George Provost, which was communicated to the American general in command. The letter was inserted of course in the American state papers, where it stands a record of the solemn fact that the laws of decency and humanity are obligatory even on nations, and that in this, the nineteenth century, no nation dare offend them, for fear, not of foreign enemies, but lest outrage should arouse the indignant feelings of its own people.

Lord Bathurst, in his communication, had ordered forty-six officers and non-commissioned officers to be set aside as hostages for the hostages, a duty Sir George Provost cheerfully obeyed. This action was communicated at once to Mr. Madison, who, far from being intimidated, ordered forty-six British commissioned officers to be set aside as hostages for the American officers and non-commissioned officers, with a reiterated notice that if one American were executed an Englishman would die in atonement. It was said in the army at that day, if the hostages should unfortunately be called on to suffer, they would be allowed all the advantages of their relative rank. The forty-six English officers were selected from the prisoners made at the Thames by General Harrison, and the captures made by Scott subsequently. This was the end of the affair in fact, though a few other hostages were made on either side during 1813. The campaign of 1814 was in favor of the

American arms almost universally, and Great Britain never dared to execute her threats. It may be presumed that the last of this absurd pretension has been heard, and that England will scarcely dare again to insult the spirit of the age by advancing it. Absurd as it seems to us, it found advocates in America; and even on the floor of congress one person was found hardy enough to resist the wave of public opinion, and to maintain that Great Britain had right on her side in this question.

CHAPTER IV.

Capture of York—Death of Pike—General Dearborn—Colonel Porter—Capture of Fort George—Anecdotes—Incompetent generals—Scott's promotion—Scott joins Wilkinson—Official documents—Chryster's field—Errors of the campaign.

IN 1813, York, in Canada, was captured by the brave and accomplished Pike. The victory was a brilliant one ; and without any drawback, except that the nation was called on to deplore the death of the conqueror. Immediately after this event, Scott joined the army at Fort Niagara, as chief of the staff of Major-General Dearborn, with the rank of colonel. He always, however, commanded his own regiment (he was still in the line) in battle. His services in the organization of the new regiments were at this time confessed by all to have been invaluable.

Nearly opposite to Fort Niagara, was Fort George, the defence of the Niagara on the British side. General Dearborn, finding himself at the head of about five thousand men of all arms, determined, with the co-operation of the naval forces, to carry this position. On the 27th of May, all the arrangements were completed, and the army, in six divisions of boats, crossed over from a point about three miles east of Fort Niagara. The first division of boats contained the storming-party, the command of which Scott had claimed. In the second was a field-train, under Colonel Moses Porter ;

after which came the brigades of Winder, Chandler, Boyd, and the reserve, commanded by the then Colonel Alexander Macomb.

The schooners and boats, commanded by Chauncey, were ordered to anchor near the shore, to cover the disembarkation of the troops, and, by their fire, render the woods, which approached near the shore, untenable by the enemy. The afterwards distinguished O. H. Perry, of the navy, volunteered to superintend the disembarkation, though he had only arrived from Lake Erie on the evening of the 26th. This was an arduous service, and an important one, in which Perry displayed great gallantry, which won then and afterwards high commendation from Scott. The crossing of the river began at three o'clock, A. M., and six hours were consumed before Scott landed on the hostile shore. He effected this in good order, half way between the village of Niagara and the *embouchure* of the river into Lake Ontario. Immediately in front of the beach, was a low but steep bank, which sheltered his men from the fire of the enemy, formed on its summit. This Scott immediately assaulted with his favorite weapon, the bayonet, and after being first repulsed and knocked down, succeeded in obtaining possession of the crest. After a contest of about fifteen minutes, of most severe bayonet-work, on the brink of a ravine somewhat in advance, the enemy were totally routed. Porter had by this time arrived with his guns, and Boyd with his brigade, both of whom participated in the close of this contest, virtually decided before they could extricate themselves from the surf, which was very high. Scott, having pursued the enemy as far as the village, was there reinforced by the sixth regiment U. S. foot, commanded by Colonel James Miller.

Many prisoners, who had been taken at the village, informed Scott that the garrison of Fort George purposed to blow up the works, so as to render them untenable, after having abandoned them. He immediately sent forward two companies to save the works, ordnance, and stores. When they had reached the works, one of the magazines blew up, and Colonel Scott was struck from his horse by a mass of timber, which severely injured him. He, however, saw the gate forced, and with his own hand pulled down the enemy's flag, which was yet waving above the fort. His attention having been recalled to the danger, he ran from the probability of other explosions. By his orders Captains Hindman and Stockman snatched away matches which had been applied to the two other magazines.

All this occupied but a few minutes, and Scott immediately set off in a pursuit of the routed enemy. This was maintained for five miles, in spite of two orders sent him by the mouths of aids-de-camp, one of whom was his present favorite, General Worth, the other a Mr. Vanderventer. To them he said, "Your general does not know that I have the enemy in my power, and in seventy minutes shall capture his whole force." General Boyd, however, came in person to arrest the pursuit, when Scott was already in the midst of the stragglers. Colonel Burn had in the interim arrived with one troop of dragoons; and with another, which was then crossing, would have insured success to the pursuit. Colonel Burn, though Scott's senior, volunteered to serve under him. There seemed throughout the whole war, with the exception of the battle of New Orleans, to be always some one prepared to interfere and prevent the reaping of the full fruits of victory. Scott had won the victory in this case, and Boyd only interfered to do harm after

the strife was over. Thus ended the battle and capture of Fort George, a brilliant achievement, with important results. The American loss was seventeen killed, and forty-five wounded; that of the British ninety killed, one hundred and sixty wounded, and one hundred prisoners.

When Scott was captured, a year before, he had supped with his captor, General Sheaffe, and while at table was asked if he had ever seen the Falls. He replied, only from the American side. An officer of rank who sat near him rejoined, "Before you can enjoy that pleasure, Colonel Scott, you must win a battle." Scott turned sharply to him and said, "If you sought to insult me, sir, courtesy dictated that you should first have returned me my sword." General Sheaffe immediately rebuked the Englishman, and the matter dropped. Among the first prisoners taken at Fort George was this colonel, also badly wounded. Scott, being unable to get his own horse from the boats, borrowed that of his prisoner, and gave orders that the officer should be treated with all respect. The horse was returned to him, and he was carefully treated and permitted to return to England on parole, at a time when there were no exchanges effected. When he parted with Scott, the English officer said, "I owe you an apology, sir; you can now view the Falls wherever you please."

This anecdote in its commencement illustrates the feeling of the British officers to America at the beginning of the war, and also the frank chivalry of the true soldier in its close. Not all the triumphs of the war could entirely eradicate it, and vent to such feelings of spleen was given from time to time until peace. On one occasion, an American officer of infinite wit, who had the habit of saying what he pleased on all occa-

sions, and feared nothing, was a prisoner in the castle of Quebec. Dining one day at the garrison mess, he was startled by the toast of "The President of the United States, dead or alive." (This was after the battle of Bladensburg and the burning of Washington.) He was not a man to lose his presence of mind; and much to the surprise of other American officers, also prisoners, arose and in handsome terms returned thanks for the compliment done his country. It had become his duty to offer another toast, which he called on his countrymen to drink. HIS ROYAL HIGHNESS THE PRINCE REGENT, DRUNK OR SOBER. The British officers now looked surprised—they had received a Roland for an Oliver. The matter was terminated by the president of the mess sending to his quarters the saucy Englishman who had cast the first jeer. Many other instances of this kind might be mentioned, depending generally on the best of all authority, that of the men whose valor took the point from such jests. Records of them and other similar taunts will, however, be found recorded in more than one printed military memoir. Among others particularly redolent with abuse of this kind may be mentioned "The Subaltern in America," the author of which shared the disgrace of the rout after the attack on New Orleans.

Only two days after the capture of Fort George, a body of British troops, under the immediate command of Sir George Provost, landed at Sackett's Harbor, with the intention of destroying the many naval stores, and the new ship, the General Pike, then being constructed under the superintendence of Henry Ecford, and half completed. The peculiar state of the winds and weather, however, delayed their progress for some time, during which a large force of militia was collected to

reinforce the small garrison of regular soldiers stationed there. The militia were commanded by General Joseph Brown, a Quaker farmer, with enough of the old Adam in his composition, as events showed, to rout the enemy and foil all his plans. So far the American arms had been successful during the campaign. Some events, however, occurred, of not so pleasant a character, though Scott did not participate directly in them, but necessary to refer to; because his history, more than that of any other individual, is a chronicle of the war.

On the 1st of June, General Winder, with his brigade, was advanced to Stoney-creek, where he was joined by General Chandler at the head of another corps. The object was to capture the British corps commanded by General Vincent, which Scott had driven from Fort George. Winder and Chandler bore the commission of generals, but no one who looks attentively at their military history will pretend to call them soldiers. The consequence was, Vincent, grown up in a cornet school, dashed into the centre of their line of battle on the morning of the 6th, and managed to capture both generals, neither of whom had taken care to see that the outposts were attentive to their duty or commanded by officers familiar even with the routine of what was required of them. General Vincent at last was driven back, but the American troops were without any leader of rank, and a council of war was called, which, as such bodies always do, advised a retreat. This does not end the catalogue of blunders; for, but a few days afterwards, a Colonel Boerstler was detached to attack a British post, the Globe House, about seventeen miles from Fort George. Boerstler was finally surrounded and forced to surrender, the force against which he marched proving thrice as large as his own.

A succession of incompetent men commanded the army during the two last months of summer and the first of autumn. Dearborn, Lewis, Boyd, and Scott's old enemy, Wilkinson, suffered the army to remain inactive. The foraging, by some strange perversion of military ideas, was confided to the adjutant-general, who exhibited all the talent of a partisan officer without any opportunity having occurred for him to advance his reputation more than he already had done.

During July of this year (1813), Scott was promoted to the command of the second artillery, which, consisting of twenty companies, was in fact a brigade. For this command he resigned the adjutant-generalcy, rightly thinking no *brevet* or *order-rank* equivalent to the command of eighteen hundred fighting men. In the latter part of September he commanded the land troops, Commodore Chauncey commanding the naval forces, in an expedition against Burlington Heights, at the head of Ontario, where there was said to be a depot of British provisions and stores. After a descent on Burlington Heights neither provisions or stores were found, and York (now Toronto) was visited with more success. Colonel Scott landed with the soldiers and marines and burned the storehouses and barracks, securing also possession of eleven armed boats and many pieces of cannon. An expedition was next arranged against Kingston and Montreal, the first of which was thought the most important post on the British side of the lakes, while the latter was the chief seat of the commerce of Lower Canada. If the plans had succeeded, Canada must have become the property of the United States. The western province would have been cut off from all supplies, and all the lower province except Quebec

would have fallen into the American hands as a consequence of the capture of Montreal.

With an eye to these operations, all the troops of General Wilkinson's division were ordered to concentrate at Sackett's Harbor, early in October, with whom General Hampton also received orders to co-operate, from the Chautauque, in New York. Wilkinson, to carry this plan into effect, embarked with his command, previously stationed on the Niagara, October 2d. As General Scott had captured Fort George, and pulled down the colors with his own hands, the defence of it was confided to him; to effect which he had his own and a portion of a regiment of New York militia, commanded by a Colonel Swift. This work the Americans sought to enlarge, under the direction of the now Colonel Totten; but, when Wilkinson and Chauncey left, one whole face was untouched, leaving no impediment between the American and the superior British force. To correct this, all the garrison, including its commander, worked night and day, and had already gotten things into good order, when the enemy broke up his camp and marched after Wilkinson.

Scott's orders authorized him, on the occurrence of such an emergency, to place Fort George under the orders of General McClure, of the New York militia, stationed on the other side of the Niagara river, and, with the regulars, to join Wilkinson in time to participate in his attempts on the lower province. To enable him to do so, the fleet was to be sent up to embark the garrison at the mouth of the Niagara. The following documents, the one an official despatch, and the other written to the secretary in December, of that year, when Scott was in Washington, will best explain the occurrences of that period.

"FORT GEORGE, October 11th, 1813.

"Within the last five minutes I had the honor to receive your despatch, by the Lady of the Lake, Captain Mix.

The enemy has treated me with neglect. He continued in his old position until Saturday last (the 9th inst.), when he took up his retreat on Burlington Heights, and *has abandoned the whole peninsula*. Two causes are assigned for this precipitous movement,—the succor of Proctor, who is reported to be entirely defeated, if not taken; the other, the safety of Kingston, endangered by your movement.

We have had from the enemy many deserters, most of whom concur in the latter supposition.

The British burnt everything in store in this neighborhood; three thousand blankets, many hundred stand of arms; also the blankets in the men's packs, and every article of clothing not in actual use.

They are supposed to have reached Burlington Heights last evening, from the rate of their march the night before. I have information of their having passed 'The Forty,' by several inhabitants who have come down. They add to what was stated by the deserters, that two officers of the 41st had joined General Vincent, from Proctor's army, with information that Proctor was defeated, eighteen miles this side of Malden. I cannot get particulars.

From the same sources of intelligence, it appears that the 49th, a part of the 100th, and the voltigeurs, moved from this neighborhood the day after our flotilla left this, the 3d inst.; but, with what destination, is not certainly known.

It was first reported (I mean in the British camp) that these regiments had marched to support Proctor, who,

it is said, wrote that he would be compelled to surrender, if not supported.*

I am pretty sure, however, that they are gone below. The movement of our army below seems to have been known in the British lines as early as the 3d inst., together with the immediate objects in view. Hence I have no difficulty in concluding, that all the movements of the enemy will concentrate at Kingston.

* * * * I had made this morning an arrangement, on application to General McClure, to be relieved in the command of this post, on the morning of the 13th inst., with an intention of taking up my line of march for Sackett's Harbor, according to the discretion allowed me in the instructions I had the honor to receive from you at this place. My situation has become truly insupportable, without the possibility of an attack at this post, and without the possibility of reaching you time enough to share in the glory of impending operations below. I am nevertheless flattered with the assurance that transports will be forwarded for my removal; and to favor that impression, I propose taking up my line of march on the morning of the 13th, for the mouth of Genesee river, and there await the arrival of the vessels you are good enough to promise me. By this movement, Captain Mix thinks, with me, that I shall hasten my arrival at Sackett's Harbor five, possibly ten, days. Captain Camp (the quartermaster) has a sufficient number of wagons to take me thither. I can easily make that place by the evening of the 15th. I hope I shall have your

* Proctor was defeated, and the British and Indian force in the north-west routed, on the 5th of October, 1813.

The rumor which Scott speaks of was six days after the event, and was no doubt brought in either by officers or Indians, from the defeated army.

approbation, and everything is arranged with Brigadier McClure. * * * * * I have, by working night and day, greatly improved the defences of this post, and nearly filled up the idea of the engineer. I flatter myself that I have also improved the garrison in discipline." * * * *

"GEORGETOWN, December 31, 1813.

"At your desire, I have the honor to make the following report:—I left Fort George on the 13th of October last, by order of Major-General Wilkinson, with the whole of the regular troops of the garrison, and was relieved by Brigadier-General McClure, with a body of the New York detached militia.

Fort George, as a field-work, might be considered as complete at that period. It was garnished with ten pieces of artillery (which number might easily have been increased from the spare ordnance of the opposite fort), and with an ample supply of field-ammunition, &c., as the enclosed receipt for those articles will exhibit.

Fort Niagara, on the 14th of October, was under the immediate command of Captain Leonard, of the 1st artillery, who, besides his own company, had Captain Read's, of the same regiment, together with such of General McClure's brigade as had refused to cross the river. Lieutenant-Colonels Fleming, Bloom, and Dobbins, of the militia, had successively been in command of this fort, by order of the brigadier-general; but I think neither of these was present at the above period. Major-General Wilkinson, in his order to me for the removal of the regular troops on that frontier, excepted the two companies of the 1st artillery, then at Fort Niagara. And under the supposition that I should meet water transportation for my detachment at the mouth of Genesee river, I had his orders to take with

me the whole of the convalescents left in the different hospitals by the regiments which had accompanied him. This order I complied with.”*

Scott could not as he expected embark at the mouth of the river Genesee, where Wilkinson had promised to provide transportation. He received a letter from Chauncey, stating that he was willing and anxious to fulfil his promise, but that the general would not dispense with the presence of the fleet even for four days. Scott therefore undertook to march on Sackett's Harbor by way of Rochester, Canandaigua, and Utica, in the middle of a rainy season, and over roads only made by the successive tracks of wagons which had gone in the same direction.

General Armstrong, then secretary of war, was at that time on his wild-geese chase in the north, and authorized Scott to confide his column to Major Hindman, and proceed alone to the army wherever he could overtake it. Scott reported accordingly to Wilkinson on the evening of November 6th, at or near Ogdensburg, just as Wilkinson was passing the strongest fort of the British, Wellington, the fire of which Scott received in the boat to the command of which he was assigned.

Scott was not at the drawn battle of Chrystler's Field, being then engaged in the descent of the St. Lawrence with a battalion of Macomb's *corps d'élite*, to which he had been appointed on the 7th of November. At the very moment when the American general was blundering over Chrystler's Field, standing on the defensive when his men should be using the bayonet, Scott was achieving a new triumph in front of Loop-Hole

* American State Papers,—Military Affairs, vol. i. pp. 482-3.

reek, where he routed the British, capturing many prisoners. On the next day he landed at Fort Matilda, which commanded a gorge in the St. Lawrence, carried it, and captured an officer and many men.

Wilkinson said that he came to conquer Canada and had troops enough to do so. At Chrystler's Field, however, he stood on the defensive; and, though he beat back the enemy, the many brave men who died there won nothing for the nation.

On the 12th of November, when Scott was in advance of the troops who had fought the battle of Chrystler's Field and beat back the British (their general would suffer them to do no more), a retreat was ordered, to the utter disgust of the nation. It has been said by those who know, that with a regiment of dragoons and a flying battery Scott could have entered Montreal. The opportunity, however, was lost. As an excuse for this sad blunder, it was said that Hampton would not join Wilkinson at St. Regis, for fear of a want of forage, and Wilkinson would not go down the St. Lawrence because Hampton refused to join him. The people, however, were ashamed of them, and the next campaign was confided to other and younger men. The army after the battle at Chrystler's Field retreated to French Mills or Salmon river, where has been built a village called Covington, after the gallant general killed there, who had but a few hours previously been promoted from a dragoon regiment to the brigade at the head of which he was mortally wounded.

Mansfield in his life of Scott thus describes the errors of this campaign:

"In the plan of this campaign there was no want of foresight or sagacity. The capture of Kingston, the main point in the plan, would have destroyed the

strongest point of defence, and depot of stores, on the line of the St. Lawrence and the lakes, from Quebec, to Detroit. Montreal would then have fallen at any moment the American commander chose.

In the departure from the first object, and deciding on a descent on Montreal, there was yet an important, and, in the event of success, probably decisive movement to be accomplished. The fall of Montreal would have given the Americans the command of the heart of the Canadas, and, with the comparatively small regular force of the British, they would have kept it and commanded the line of the St. Lawrence.*

Such was not, however, to be the result. There was enough of individual valor, of skill, of daring, and of enterprise, to have secured success to a competent commander, or victory to the boldness of an ardent leader. But, by a series of unnecessary delays and inexplicable blunders on the part of chiefs, these noble gifts of inferiors were rendered useless to their country, and unavailable to themselves.

Amidst the disasters of the campaign, there was one benefit. The touchstone of experience had been applied to the temper of the army, and it was now easy to select the pure metal from the dross. It was a hard school of adversity; but many brave and highly-gifted young men were trained by its teachings to become accomplished and efficient officers. On the other hand, it detected the emptiness and unfitness of many a fop, both young and old, who had been seduced into the service by the

* "The plan of the secretary of war, as shown by the official correspondence, appears to have been that stated in the text. It seems, however, that General Wilkinson differed from the secretary in opinion, and finally adopted his own scheme, which was the descent of the St. Lawrence, as he attempted it."

glitter of uniform and the pomp of military parade. They were made to learn and feel their incompetency to endure the duties or the frowns of war. An elegant writer* has well remarked, that the rude winter gales of Canada swept from our ranks the painted insects, which were fit only to spread their glittering wings in the summer sun ; but, at the same time, roused and invigorated the eagle-spirits, who, during the calm, cower in solitude and silence, but, as the tempest rises, come forth from obscurity to stem the storm, and sport themselves in the gale."

* "Substantially quoted from a biography of Scott, in the *Analectic Magazine*."

CHAPTER V.

Camp of instruction at Buffalo—Opening of the campaign—
Battle of Chippewa—Force of each army—Loss on each
side—Burlington Heights—Battle of Niagara—Scott wounded
—Respective loss of the Americans and British—American
army retires to Black Rock.

THE campaign of 1813 had a brilliant commencement, but terminated with shame and a precipitate retreat. The pride of the army was crushed; the people had ceased to respect it; and it was found most difficult to fill up the levies authorized to be made. In attempting to create a military spirit to replace that which had been lost, Scott passed the winter at Albany, New York, by advice of the president arranging such a system with Governor Tomkins, as would prevent private soldiers hereafter from discussing political questions on the eve of battle.

On the 9th of March he was appointed brigadier-general, and immediately reported to Major-General Brown, who had again advanced from French Mills towards Canada. So high was Scott's reputation as a tactician, that on the 24th of March his senior proceeded to Sackett's Harbor, to afford Scott an opportunity to establish a normal camp, and to instruct the officers in their duties. The army which was rapidly being assembled at Buffalo, was composed of Scott's and Ripley's brigades, and Hindman's battalion of the second (Scott's old regiment), and a brigade of militia commanded by General Porter.

The brigade of Scott consisted, according to Mansfield, of the 9th, 11th, and 25th regiments of the line (one battalion each), a detachment of the 22d, and a company of artillery, commanded by Captain Towson. General Ripley commanded the 1st, 21st, and 23d regiments of the line. General Porter commanded the Canadian volunteers, the New York and Pennsylvania volunteers, among whom, however, was a company of men which had marched on foot from Petersburg, Virginia, to participate in the perils of this campaign.

The troops were drilled incessantly, the officers being united in squads, platoons, and companies as they progressed, to enable them to teach and exemplify to the men what they had learned. Battalions and regiments were formed, and finally the whole line was drilled under the immediate inspection of the commander. This practice was first adopted in the French army under the empire, and subsequently introduced in our service. It has in both countries led to the most important results. At Buffalo every detail of the service was attended to, from the column of attack to the mode of saluting under the personal inspection of the general. In the interval the country complained of the inactivity of the army; but in the spring of 1814 it resumed its activity, and then became apparent the good effects of Scott's course. When General Brown in June returned to Buffalo, he saw his new levies converted into veterans, and all buoyant with hope and confidence as to the result of the campaign which was about to open. The first movement was on the 3d of July, when Scott crossed the river below Fort Erie, and Ripley above. With Scott was Hindman's command. Scott and Colonel Camp, a volunteer, had landed before the enemy fired a shot.

Fort Erie at once surrendered,* and preparations made to attack General Riall, who was encamped at Chippewa. On the 4th General Scott advanced to the village, driving before him the Marquis of Tweed, colonel of the British 100th foot, who at night crossed the Chippewa and took refuge in the camp of General Riall. General Scott halted at Street's camp, two miles from Chippewa, directly in front of the British camp, between which and his position was a level two miles wide, bounded on the east by the Niagara river, along which ran the Chippewa road; on the west was a primeval forest, between which and the mouth of the Chippewa and Street's creek; on the other side the former lay the British army, between a battery and a block-house, the fires of which crossed the river in front. Scott's brigade was on Street's camp, in the promontory formed by it and the Niagara. The British determined to anticipate General Brown's attack. The day was long and hot, and the plain was dusty. In the distance was heard the gradual murmur of Niagara, a meet accompaniment to the sounds of battle which were soon to arise from the champions of great nations.

The battle began between the Canadian militia and Indians, and the troops on the left of the American line. Porter's militia brigade, with whom were a few friendly Indians of the Six-Nations, soon drove the enemy from the wood which they had occupied into the village of Chippewa. Here, supported by their main force, the skirmishers rallied, and in the end drove Porter back, until, when the British regulars

* The British garrison of Fort Erie consisted of one hundred and seventy men, and seven officers of the 8th and 100th foot, commanded by Major Bushe, all of whom became prisoners.

made a new flank. General Scott was not at this time more than fifty yards from the enemy, and took advantage of the interval between Leavenworth's and McNeil's battalions to throw forward the left of the 11th, McNeil's, so as to flank the enemy obliquely. Scott then rode up to McNeil's and called to it to charge. "The enemy," he said, "say we are good at long shot, but cannot stand cold iron. I call on the 11th to give the lie to the slander—CHARGE!" Every man in this regiment had seen at least one campaign; and giving one cheer, the veteran soldiers sprang forward, their major leading them. Leavenworth saw what was going on, and also charged, while Towson fired into the British masses with great rapidity. The effect was, that this wing of the British army broke and fled precipitately. Jesup, at almost the same time, finding the other British wing pressing closely on him, brought his men to a support and advanced. The fire of the enemy in the interim was fearful. In a few minutes he coolly halted, and delivered a fire so deadly, that his opponents also retreated. The whole army, headed by Scott, pursued them hotly till within half musket shot of Chippewa bridge, in their entrenchments beyond which they took refuge.

This action placed Scott's military skill in a prominent position, and the credit of the victory was everywhere attributed to him. His advance of the flank of the 11th had enabled him to outreach that of one British wing, and not only strike his flank but double around a portion of the rear. In extending the intervals between his battalions, he seems distinctly to have meditated this. It was also by his command that Towson had given an oblique direction to his guns. The enemy in their advance masked their own battery, so that it had no choice but to remain idle or fire on the battery of Towson,

which it did, dismounting one of his guns and having one of their own dismounted by a shot from the American battery.

Immediately before McNeil and Leavenworth made the final charge, Scott rode up to Towson's command, by which he was received with the full military salute given with as much precision as if they had been on the drill ground. "Fire more to the left, captain;" Towson obeyed, and delivered that fearful fire which opened a way for the American charge into the British line.

General Brown had sought to bring up Ripley's brigade, to the support of Scott. The 21st regiment was thrown forward, but arrived too late. The battle was won, and all they could do was to join in the pursuit. This was a victory worth something. The English troops, which were routed there, were picked men; the royal regiment, or royal Scots, being one of the oldest in the world, formed at the time of the consolidation of the kingdoms of England and Scotland, out of the body-guards of the Scottish king. They had served everywhere with distinction. The 100th foot was a favorite corps; the artillery was a portion of probably the best corps in the world. The 8th foot was also a veteran and celebrated regiment. They were, however, beaten badly, by troops at whose appearance the British officers sneered. It is said that the Canadian militia went into action under the impression that Scott's brigade were militia from Buffalo, and had imparted this idea to the British regulars. An officer taken prisoner in front of the bridge across the Chippewa, is reported to have said to his captors, "If these be your militia, God keep the regulars from us."

Few strangers who visit the cataract of Niagara, omit to look upon the battle-field, which, though on the other

side of the lake, and beneath the British flag, is the property of the United States, won by the blood and valor of her sons. It is one of our battle-fields. At nightfall each army retired to its camp; the British general to account for his defeat, the American to communicate to his country the tidings which were to restore to the army the confidence of the nation.

The British acknowledged that they were beaten,—a thing rarely done by them on the few occasions when such had been the case. They said, however, that the numerical force of the Americans was the greatest. Their own official reports, notwithstanding, prove the contrary. Colonel Gordon led four hundred of the royal Scots into action. Of the 8th, there was one battalion of four hundred men. The Marquis of Tweeddale commanded two battalions of his own 100th regiment; and the force of dragoons, artillery, and Canadian militia, mustered together five hundred men. The total, therefore, was about twenty-one hundred men, of whom one hundred and thirty-eight were killed, three hundred and nineteen wounded, and forty-six taken prisoners.

The three battalions of American infantry numbered about fourteen hundred, including the detachment of the twenty-second. Porter's corps numbered about five hundred; making the total American force nineteen hundred men. General Ripley's troops did not fire a shot, and Porter's men were not rallied after the advance of the British regulars. Only one company of Hindman's battalion of the 2d artillery was engaged. The American loss was sixty killed, and two hundred and forty-eight wounded. The inequality of numbers was so slight that the two armies, for all practical purposes, may be considered equal. The British general chose his field, was gallantly met by the Americans, and beaten, beyond
or dispute.

This victory was as necessary to the public mind as was that of Washington at Trenton. It proved that there was no excuse for an American force being defeated by equal numbers ; and that with competent men, who knew their duty, commanding in the various grades, they could not be beaten.

They had fought at Chippewa with no holiday soldiers, but with men grown gray in India and Spain, and witnesses of many a bloody fight. The English people everywhere recognised this defeat, and the minds of their rulers from this time became every day more disposed for peace.

For this victory Scott received the brevet of major-general, and his aide-de-camp, Worth, that of captain ; McNeil, Leavenworth, and Jesup became lieutenant-colonels, Towson a major, and other officers were remembered.

Only two days afterwards the American army crossed the Chippewa, driving the enemy before them. Scott's brigade led the advance.

In the fall of 1813, a new fort, called Messassauga, was built by the British near the mouth of the Niagara. After General Riall had reinforced the garrison of this and of Fort George, he retired to the head of Ontario, near Burlington Heights. To obtain possession of these defences was a part of General Brown's plan, which must precede any ulterior operations. To effect it he needed heavy ordnance, which could not be transported in consequence of the temporary predominance of the British on the lake, attributed to the illness of Captain Chauncey. He was, therefore, forced to relinquish his designs on the two first posts, and resolved to attack Burlington Heights. To draw the enemy from his strong position he feigned to retreat, crossed the Chippewa, and encamped between

it and the Falls. If the British should not be deceived by this movement, it was purposed to allow the army to rest on the 25th, and on the 26th to detach Scott's brigade up the Queenstown road to force Riall to a fight wherever he might find him. At about two o'clock in the afternoon, when the whole army was reposing, General Brown received a note from the commander of a militia regiment, occupying one or two strong positions on the New York side, stating that the enemy had sent a thousand men from Queenstown to Lewiston. Brown fancied at once that the motive of this movement was to capture the American magazines at Schlosser, and cut off the communication with Buffalo. He immediately determined to teach the enemy a lesson by attacking the British posts at the *embouchure* of the Niagara. Scott's brigade was in motion in an almost incredibly short space of time, and on this occasion was composed of four battalions, one of which was commanded by Colonel Brady of the 22d infantry, and the others by Majors McNeil, Jesup, and Leavenworth; together with Towson's artillery and a detachment of the 1st dragoons and of volunteer horse, commanded by Captain Harris. The strength of the whole was thirteen hundred men. Immediately above the Falls, General Scott discovered a party of British officers, mounted, and evidently come out to reconnoitre. He soon after discovered that the enemy were in force before him, being hidden from view only by a strip of timber. He saw at once that his orders to attack the British forts, had been given him on the supposition that the American magazines at Schlosser were menaced. He therefore immediately sent Adjutant-General Jones to General Brown with the news, and dashed through the wood just below a dwelling then made famous as Forsythe's house. He found drawn up in front


of him on Lundy's Lane, a larger force than he had defeated before at Chippewa.

He now saw that he was in a difficult position. To stand still was out of the question, for the heavy British fire would at once have killed off his whole brigade. It was impossible also to retreat, as in that case a panic would probably be created in Ripley's brigade, immediately behind him, though at a distance which would not allow it immediately to participate in a fight. He determined at once to begin the battle, leading the British general by his boldness to think that Brown with all his forces was there ; thus taking from him the advantage of his numbers, and stripping him of the *prestige* of making the first attack. He met with brilliant success, and kept at bay the enemy's whole line until General Brown actually arrived. Scott in the meantime kept Brown informed of the state of affairs, having by a second staff-officer communicated to him the fact, that the enemy were before him in increased force. Indeed, on the previous night, Sir Gordon Drummond, a lieutenant-general, had arrived with large reinforcements at the mouth of the Niagara. This circumstance Brown was entirely ignorant of. Riall had ascertained it, however, and in obedience to orders had marched down the road to meet him. This was the route Scott intended to take in his contemplated attack on the posts at the mouth of the river. Riall had, it is true, marched by Queenstown, but had not landed on the American side, and had already been joined by two or more battalions landed with Sir Gordon Drummond at the mouth of the river from the fleet. After the commencement of the battle, the others successively arrived. About forty minutes before sunset of a day, the exact counterpart of that on which the battle of Chippewa had been fought, the action began. The rays

of the setting sun fell distinctly on the spray cast up by the Falls, and was refracted into a glorious rainbow, one arm of which rested on the American column. The roar of the cataract was mingled with the roll of the drum and volleys of musketry. The British line opened its fire at the distance of one hundred and fifty paces. It numbered about eighteen hundred strong, and was posted in Lundy's Lane, which ran along a ridge nearly perpendicular to the line of the river. The left was about two hundred yards from the river, between which and it intervened a thicket. Major Jesup, supported by Colonel Brady, was ordered by Scott to turn the enemy's flank by taking possession of this opening, which they did, while the other battalions and Towson's artillery formed line to the front. The cavalry was reserved. An attempt to outflank the American left was at once repelled by Major McNeil, but not without great loss. While the lines were hotly engaged with each other, Brady had resumed his proper place, as also had Jesup, who, after outflanking the British left, had charged through it and formed line again on his position. In this manœuvre he had captured Major-General Riall and many other officers. The British general surrendered his sword to Major Ketchum of the 25th infantry, who not only died in the service himself, but left two members of his family who have since been commissioned.

When darkness had rendered all things indistinct, the action still raged. At nine o'clock, General Brown arrived, and found that the enemy's right and left were routed, and that the centre alone was able to keep position. Battalions of Drummond's reinforcements continued to arrive; and Brown insisted on Scott's informing him personally of all that had occurred.

Of the new troops he had brought into the field,



General Brown determined to form a new line, and make of Scott's brigade a reserve. To do this with safety, it was necessary to carry the enemy's battery, which, strongly posted, was the key of his whole position. Turning to Colonel Miller, the general asked him if he could "carry that battery?" "I can try, sir,"* was the brief and soldierly reply. He rushed up the hill, and did carry it. This secured the battle. This battery became the subsequent object of both combatants; and frequent attempts by the British to retake it, were repulsed. One of them Scott repelled in person. General Brown was wounded, and sought to turn over the command to Scott. He also had been twice wounded, and, exhausted by loss of blood, was disabled. General Brown continued to command.

After the capture of the battery, the army of General Brown changed its position, being drawn up across the lane, with the Niagara behind it. Ripley was in the centre, with Scott and Porter on the right and left respectively. The British continued to attempt to recapture the battery and crest of the hill, but each time failed.

At eleven o'clock, Scott was wounded in the left shoulder, immediately after a successful attack on the British line, which compelled it yet further to retire. His aides-de-camp, Lieutenants Worth and Smith, were both wounded by his side.

The loss on each side was about equal, the Americans having one hundred and seventy-one killed, five hundred and seventy-two wounded, and one hundred and seventeen taken prisoners; total, eight hundred and sixty. The British lost eighty-four killed, five hundred and fifty-

* These words were afterwards borne on the colors and buttons of his regiment.

nine wounded, and two hundred and thirty-five taken prisoners; total, eight hundred and seventy-eight.

At a late hour of the day, General Brown was forced by his wounds to retire; and, in the absence of Scott, confided the command to General Ripley, with orders to bring the dead, wounded, and artillery from the field. The want of drag-ropes and horses, however, rendered it impossible to bring off the guns, which the British were on the next day able to regain.

The battle had been fought by night, and when morning came, the hostile armies had scarcely begun to repose or shaken off the delirium of battle. Charge after charge, and volley after volley, had been given by night; and, as an admirable writer states, "For a time the faint beams of the moon struggled with the smoke, and gave a little light to the combatants; but it was but little. The moon itself became obscured, and no light, save the rapid flashes of musket and cannon, pierced the heavy clouds."

This battle is called by the British general, in his report, the battle of "Lundy's Lane." In the United States, it is called "Bridgewater." Its true name should be that of "Niagara." Its field is another of our conquests, which, whatever the political condition of Canada may be, is indissolubly connected with the United States.

Our army then went to Chippewa, and took possession of the enemy's works. A report having been circulated that Sir Gordon Drummond, at the head of heavy reinforcements, was again advancing, the American army proceeded to Black Rock, where, after ordering the old Fort Erie to be repaired, General Brown, who had again assumed the direction of affairs, assigned the command to Brigadier-General Gaines.





NATHAN TOWSON,
Paymaster-General, Brigadier-General by Brevet.



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IN almost all of Scott's exploits and battles on the lakes, perpetual reference has been made to Captain Towson, who, with his artillery, figures not unfrequently with more distinctness than men of far higher rank.

This gallant officer is a native of Maryland, and entered the service on the 12th of March, 1812, as a captain of the 2d artillery; the colonel of which, it will be remembered, Scott soon became. After serving through the war with great distinction, and receiving the brevet of major, for capturing the British brig Caledonia under the guns of Fort Erie, on the 5th of October, 1812, he received a second brevet, of lieutenant-colonel, for gallantry at Chippewa, from the date of that battle, July 5, 1814. The first of these brevets is but one month junior to that conferred on General Taylor for the defence of Fort Harrison, and, next to it, the oldest in the army.

General Towson was also at the battle of Stoney Creek, and did distinguished service at the defence of Fort Erie. His participation in the latter action will be related in the biography of General Gaines.

The conduct of Towson's battery at the battle of Chippewa, when thrown forward by General Brown, with Scott's brigade, to bring the British to action, was one of the most distinguished pieces of artillery service during the whole war. It attracted as much attention and won as high compliments from English as American officers. At this battle, Towson, with four guns, held in check an artillery force much superior in number, and belonging to a corps (the royal artillery) considered usually to have no superior, if it has any equal. There is no doubt that Captain Towson, on that day, richly merited the

brevet conferred on him, and contributed, in no small degree, to the glory and success of the battle.

On the reorganization of the staff of the army, subsequent to the reduction of 1821, Lieutenant-Colonel Towson was appointed to the head of the pay-department, with the rank of colonel of cavalry, and the date of May 8th, 1822. On the 30th of June, 1834, Colonel Towson was honored with the brevet of brigadier-general.

Since his appointment to the pay department, General Towson has been almost constantly confined to his bureau, the business of which has been directed with an accuracy and fidelity reflecting as much credit on his business faculties as his earlier career did on his military reputation. His services, throughout the war of 1812-15, won him the reputation of being one of the most brilliant artillery officers of the army; and his services will not suffer in comparison with those of the many younger men who have become celebrated during the Mexican war.

CHAPTER VI.

Scott's wounds—Princeton—Treaty of peace—Scott declines the office of secretary of war—Visits England—Vote of thanks by congress—Testimonials from state legislatures—Controversy with Jackson—Address at West-Point on the death of Jackson—Dispute concerning brevet rank.

SCOTT was severely wounded at Niagara, and was taken from the field of battle in the most intense pain. He had, soon after the action began, been struck by a spent ball in the side, and at a later hour by a musket-ball, which passed through his shoulder. He remained in great agony at Buffalo and Williamsville for several weeks, and was then removed to the house of his friend, Mr. Brisbane, of Batavia. Care and repose did much, and after a further delay, he was able to bear the motion of a litter, in which he was borne on the shoulders of men to the residence of the late Honorable John Nicholas, of Geneva, where he was nursed with unremitting care.

The high reputation of the surgeons of Philadelphia made him most anxious to place himself under the direction of the late Dr. Physic and Dr. Chapman, the latter of whom was linked to Scott's regard more closely by that masonry of love which unites together most of the sons of that state in which both Dr. Chapman and General Scott were born. This feeling in their case was the more close, as they had been neighbors at home. At this time, however, (September, 1814), Baltimore was supposed to be menaced with another attack, and it was

thought most advisable that Scott should assume the nominal command of the troops intended for its defence, and he therefore proceeded with his aide-de-camp, Worth, to that city.

His whole journey was like a royal progress, and he was received with every demonstration of respect.

He chanced to pass through Princeton on the day of the annual commencement. He was placed at once in bed to obtain rest to enable him to support the journey to Philadelphia. It became known, however, that he was in the city, and the faculty immediately sent a deputation to invite his presence. He was carried to the church in which the ceremonies were being held, pale, thin, with his bandaged arm in a sling, and the military frock loosely thrown over his shoulders. He was received by persons of every age, sex, and condition, with the homage he merited.

The valedictory address was delivered on this occasion by a gentleman of high talent, and its subject was, "the public duties of a good citizen in peace and war." At the end of his address, the speaker, catching enthusiasm from the moment and occasion, turned to the wounded soldier and made him the personification of his ideal. The audience were enchanted, and the soldier and scholar both shared in the applause thus evoked.

The president and trustees conferred on Scott the honorary diploma of Master of Arts; not a mere idle compliment, but one, the right to which he had earned by patient study of two professions.

At Philadelphia Governor Snyder received him at the head of a division of militia, whence, after a short delay, he proceeded to Baltimore. At this city, Dr. Gibson, since professor of surgery in the University of Pennsylvania, finally operated on and healed the wound.

On the 16th of October, he assumed command of the military district known as the Tenth, the head-quarters of which were at Washington. It will be remembered that at this time there was no commander or general-in-chief, other than the president and his delegate, the secretary of war. At Washington and Baltimore, in feeble health, but actively engaged in the details of his command, he passed the winter of 1814-15. Though he had at that time many seniors, he received the high compliment of being requested to furnish the *plan tracé* of the general campaign for the summer of 1815.

On the 8th of January the battle of New Orleans was fought, and soon after (February, 1815), news of the treaty of peace was received at Washington. When we look at facts, the treaty of peace must be considered to have been made when the British commander led his troops *from* the breastwork in front of New Orleans. None who have studied the later military history of Great Britain, can doubt (judging from her conduct after the revolutionary war, in retaining possession of posts clearly ceded by the treaty to the United States,—her conduct in relation to Malta, and her conquests in India) that if the attack on that city had succeeded, as the heritor of the French rights, by authority of some secret treaty with an obsolete Spanish Bourbon, or any other pretext, the British ministry would have kept possession of the mouth of the Mississippi. It happened, however, otherwise. Each campaign, except that of Hull, had left the sum of operations in favor of the Americans; and Great Britain was amply content to withdraw from interference with the affairs of the United States.

After the treaty of peace, General Scott was offered the office of secretary of war. He declined this high trust, because he thought himself too young for it. He

was then requested to take it *ad interim*, until Mr. Crawford, minister at Paris, who was subsequently appointed, should arrive. This he also declined, adding that Generals Jackson and Brown were both his seniors, and that he would not expose them to the necessity either of resigning or of serving under the orders of a junior. At this time, the secretary of war was *de facto* the commander of the army. After other duties of importance, he went to Europe, *under orders*, to gather professional information, and to improve his health, which, from the dangerous nature of his wounds, yet continued feeble.

It has also been said that he was charged with diplomatic duties of no small importance, in relation to the revolutions, then at their height, in more than one of the colonies of Spain. He was also instructed to ascertain the opinions of Great Britain in relation to Cuba. This subject engrossed much of the attention of Mr. Madison, the cabinet, and the people. When we remember that at that time Great Britain had not manumitted her slaves in the West Indies, and that the re-establishment of her influence in America was a prominent point in her policy, we cannot wonder at it, nor at the feeling which long afterwards induced the convention of the congress at Panama, and made Mr. Monroe publish his celebrated declaration, that, for the future, American affairs were to be interfered with by no European prince or potentate.

While in Europe, his tall and soldierly form contributed to exalt the high estimate already placed on him in consequence of his military achievements. The British officers whom he had met in battle, in a time of peace hastened to welcome him; and even from the gray-haired soldiers of other wars, he received atten-

tion. Among others who gave him evidence of the fame he won, were La Fayette, Kosciusko, and more than one of the marshals of the French empire.

Scott studied intently while in Europe, and brought home a fund of information, the good effects of which can yet be traced in the army. On his return General Scott was assigned to the command of the Atlantic coast, which he exercised until his promotion to the head of the army, with the exception of a few years' service in the north-west and special duty in Florida.

In March, 1817, he married his present accomplished wife, the daughter of Colonel John Mayo, of Henrico county, Virginia.

General Scott's military history to this time may be thus summed up: at the age of twenty-two he entered the army as a captain of light artillery. In the spring of 1812 he became a lieutenant-colonel, overleaping the grade of major, at the unanimous instance of the whole delegation in congress from his state. On the 2d of March, 1813, at the instance of his superior officers, he became a full colonel of a double regiment, and on the 9th of March, 1814, a full brigadier-general. Within four months after that date, the battle of Chippewa took place, and at the demand of the whole nation Mr. Madison appointed Scott a major-general. It is worth while to state that Mr. Madison, highly as he estimated Scott, objected to his promotion in the first instance to a lieutenant-colonelcy over all the majors in the service, and again to his being assigned at the age of twenty-six to the command of a double regiment. His merit, however, overweighed the objection to his youth. He was promoted to the highest rank of the service, and the nation has endorsed the propriety of the act.

When the war was nearly over, on the 3d of Novem-

ber, 1814, congress passed a vote of thanks to Scott, not only for his conduct at Queenstown, Chippewa, and Niagara, but throughout the war. He alone has thus been honored.

The resolution also authorized the president to cause a gold medal to be struck and presented to him as a token and evidence of this respect. During the administration of Colonel Monroe, the medal was presented with the following ceremonies:

President Monroe's Address.

“General Scott: Your conduct in the late war merited and obtained, in a high degree, the approbation of congress and your country. In the battles of Chippewa and Niagara, in Upper Canada, in the campaign of 1814, your daring enterprise and gallantry in action were eminently conspicuous.

In rendering justice to you, I recur with pleasure to the report made of those actions by the military commander, the most competent judge of your merit. In the battle of Chippewa, he says, you are entitled to the highest praise your country can bestow; and that we are indebted to you, more than to any other person, for the victory obtained in it.

In the battle of Niagara you commenced the action, and your gallantry in several severe encounters, until disabled by severe wounds, was equally distinguished. As a testimonial of the high sense entertained by congress of your merit in those actions, I have the pleasure to present you this medal.”

Major-General Scott's Reply.

“With a deep sense of the additional obligation now contracted, I accept, at the hands of the venerable chief magistrate of the Union, this classic token of the

highest reward that a freeman can receive—THE RECORDED APPROBATION OF HIS COUNTRY.

If, in the resolve of congress, or in your address, sir, my individual services have been over-estimated, not so the achievements of that gallant body of officers and men, whom in battle it was my good fortune to command, and of whom I am, on this interesting occasion, the honored representative.

Very many of those generous spirits breathed their last on the fields which their valor assisted to win; and of the number that happily survive, there is not one, I dare affirm, who will not be ready in peace, as in war, to devote himself to the liberties and the glory of the country.

And you, sir, whom I have the honor officially to address for the last time; you who bled in the first, and powerfully contributed to the second War of Independence; you who have toiled fifty years to rear and to establish the liberties of this great republic—permit an humble actor in a much shorter period of its history, to mingle his prayers with those of millions, for the happy but distant termination of a life, of which, as yet, others have enjoyed the distinguished benefits, whilst the cares have been all your own."

This medal became one of Scott's most precious trophies, and was deposited for safe keeping in the City Bank of New York, where sometime afterwards were his head-quarters. While there the bank was entered by false keys and robbed of bullion, coin, &c., to a large amount, which had been kept in the same safe with this token of a nation's gratitude. When the officers of the bank entered in the morning, they were surprised to find all other valuables abstracted, and the

medal of massive and pure gold remaining. The robber was soon arrested, convicted, and imprisoned. Not long after while returning to West Point, the purse of General Scott was abstracted from his pocket. The escroc was arrested and also convicted. While in the prison he was taunted by the bank robber with his want of soul. "I robbed the bank, it is true; I knew the value of the medal, but could not take the tribute of the nation to a soldier who had bled for her." The anecdote is striking—*S'il n'est pas vraisemblable, c'est vrai*.

The legislature of Virginia, February 14th, 1816, also voted to him "a sword of state" and the thanks of his native commonwealth. This resolution the Hon. W. C. Nicholas communicated to him in a letter frequently printed, to which General Scott made the following reply:

"NEW YORK, June 26th, 1816.

"Sir: I have the honor to acknowledge the receipt of your Excellency's letter of the 31st ultimo, covering certain resolutions of the general assembly of Virginia, approbatory of my military conduct during the late war, in general, but more particularly in the campaign of 1814, in which my gallant associates in arms are included.

I am most sensibly alive to the good opinion of my countrymen of Virginia—a state to which I am proud to owe my birth, and whatever of zeal or patriotism I may be supposed to have shown in the late common struggle of the Union. That my humble exertions have attracted the notice and received the approbation of the general assembly of Virginia, is to me a proud distinction—one that will bind me still more strongly to those to whom I was before allied by common interests, principles, and nativity.

I beg your excellency to accept my best acknow-

ledgments, for the very kind and flattering terms in which you have been pleased to communicate the sentiments of the legislature, and believe me to be,

With the highest respect and consideration,

Your Excellency's

Obedient and humble servant,

WINFIELD SCOTT."

"His Excellency WILSON C. NICHOLAS."

This sword was not presented until 1825, when General Scott in person received it from the late Hon. James Pleasants, then governor of Virginia. Governor Pleasants had been one of Scott's early friends, and it was a scene of equal pleasure to each of the two principal actors. It was the privilege of the author of this book to hear the address of that honored and venerable old man, grown gray in the service of his country, and the reply of the sturdy soldier who had performed but half the duty he has since paid to his country. The touching beauty of General Scott's reply will be appreciated by all who read it:

"Sir: In the part which it was my lot to bear in the late war, I should have deemed myself as still unfortunate, whatever success I might have obtained, or whatever honors might have been accorded to me elsewhere, if I had failed to win the approbation of my native state. But from this I have been happily spared—Virginia, with parental kindness, has deemed me one of her sons who endeavored well in the second great triumph of our free institutions.

The law which gave my name to a county; the thanks voted by the general assembly; and this sword which I now have the honor to receive at your hands, in the presence of the executive council, are the precious

evidences of that partiality. Sir—they are appreciated by me in the spirit in which they are bestowed, as inculcating the first lesson of a citizen-soldier, that, as liberty is the greatest of blessings, so should he ever hold himself armed in her defence, and ready to sacrifice his life in her cause!"

This sword was of the richest kind, mounted in solid gold, and rich as a gift from the Old Dominion should be. Its hilt glittered with gems, and etched on its blade was the proud device, *Sic semper tyrannis*, which none of her children loved more than Scott. Its intrinsic value was to be estimated by thousands. Yet the wealth "of Ophir or of farthest Ind" would not have made it more precious in the eyes of the recipient.

New York also presented him with a sword by the honored hands of Governor Tompkins, which was received by him in the hall of its greatest city, on the 25th of November (Evacuation Day), 1816.

In 1815, Scott was elected a member of the "State Society of Cincinnati" of Pennsylvania. His name was meet to be mingled with those of the heroes of the old war.

In 1817 General Scott became involved in a controversy of a personal character with General Jackson. As it was terminated with equal honor to both of these brave men, it is far more pleasant to pass over it than to chronicle its details. It is sufficient to say that it was terminated to the satisfaction of Jackson, who certainly was not pliant in his disposition, and of Scott, like Bayard, *sans peur et sans reproche*. It originated in misconception of duty and of each other, and has long been forgotten except by those who, without an eye to the things of life, remember only its deformities.

When General Jackson died, they were and had for years been friends. General Scott, then commander of the army, received the news while presiding at the examination of the cadets at West-Point. He rose at once and made the following address, to which criticism can add nothing, nor can it abstract aught:

“ Ex-President Jackson died at the Hermitage on the 8th inst. The information is not official, but sufficiently authentic to prompt the step I am about to take. An event of much moment to the nation has occurred. A great man has fallen. General Jackson is dead—a great general and great patriot—who had filled the highest political stations in the gift of his countrymen. He is dead. This is not the place, nor am I the individual to pronounce a fit eulogy on the illustrious deceased. National honors will doubtless be prescribed by the president of the United States; but in the mean time, and in harmony with the feelings of all who hear me, and particularly with those of the authorities of this institution, I deem it proper to suspend the examination of the cadets for the day, and to wait the orders of the executive of the United States on the subject.”

The tenor of Scott's life for a number of years after the war, was even and uninterrupted. Like the storm-birds, which come only on the wings of the wind when the elements are in commotion, and disappear when nature resumes its quiet, is the soldier's career. In seasons of danger his name is in the mouth of every one; in times of peace he is forgotten. Yet Scott was not idle. The country, it is true, had emerged with credit from a war, but the contest had sufficed to show that many and radical defects existed in the American military system. To the correction of these he

devoted his time and attention. The detail of the service, tactics, and the more exalted art of strategy, within the compass of which are all other arts and sciences, he had carefully studied, especially the last two, as most became him as a general officer.

In 1821 Scott, by authority of the government, put forth a system of military discipline, known as the general regulations of the army, embracing the whole routine of an army in peace or war. He had previously, as president of a mixed commission, prepared a system of infantry tactics similar to the one used by him in his camp at Buffalo in 1813-14. Another board, of which he was president, ordered this to be published in 1825. In 1826 he contributed to the preparation of the system of tactics for all arms, used in the army until recently, when the great advancement of the art of war required that the system should be modified. These books were intended originally for the militia. The present system of infantry tactics, believed to be the most perfect in the world, was formed by General Scott, in obedience to a resolution of Congress. It is on the basis of the French books prepared by the most brilliant men of all grades of that scientific and highly educated army.

General Scott had, about 1828, a long controversy with Major-General Gaines in relation to brevet rank, which had never been defined at the time of his promotion to the command of the army. The head and front of this dispute may be thus defined: After the death of Major-General Brown, who, on the reorganization of the army, had been appointed major-general, Mr. Adams, then president, appointed General Alexander Macomb to the vacant commission. General Scott, it will be remembered, after the battle of Chippewa, had been

breveted major-general, and consequently had thus acquired a date senior to both Macomb and General Gaines. He maintained that this brevet commission gave him rank, and therefore command and seniority over General Macomb. The president did not, however, sustain his position, and Scott petitioned congress to enact a statute declaring what the law was.

He maintained that since the first establishment of brevet rank it had always been held to give command precisely as other rank did, except in the body of the regiment. That he held the highest rank known in the army (there being no *general-in-chief* other than the president), from the fact that his brevet was senior to Macomb's commission or Gaines' brevet. The question, it will readily be seen, hinges on the fact, whether brevet confers rank. The denial of the existence of the grade of general-in-chief was absolutely true, and the justice of Scott's demands was a corollary of the first positions, if they were sustained. Congress did not pass the statute, and it came to be admitted that brevets did not confer command, and only rank in certain cases. Scott, who had previously offered the resignation of his commission, when he saw that public opinion had decided against him, withdrew this resignation; and, by General Eaton, then secretary of war under the administration of General Jackson, reported to General Macomb, and was assigned to the command of the eastern frontier. His antagonist in this question, Gaines, was assigned to that of the western. Previous to this controversy, General Scott had a second time visited Europe, and made a tour of England, France, Belgium, and Germany. Until 1832 nothing worthy of mention occurred.

CHAPTER VII.

Removal of the Indians—Indian relics—Saukees and Foxes—
Early history of these tribes—Enmity of the whites towards
the Indians—Outrages—Black Hawk—The Saukee war—
The cholera—Scott's humanity—Treaties with the Indians.

THE policy of the government of the United States has been gradually to remove the Indian tribes westward as the colonization of the vast territories of the Union progressed. The United States have evinced a fixed policy in this matter, and have sought always to remove the Indians, peaceably if possible, but forcibly when they were refractory. For a long series of years, both during the British regime and subsequently, the aborigines (for such they are, as far as we know) were vexed with constant wars, and were only received as friends when they became utterly subservient. Instances peculiarly striking, of this character, will be found in the history of the colonization of Virginia and New England. The only apparent variation will be found in the early annals of Pennsylvania; and it may be doubted if its colonizer, who bought a kingdom for a few yards of calico and red cloth, deserves more credit than the Pilgrims of New England or the Cavaliers in the south; the first of whom thought it a duty to exterminate infidels and pagans, while the second, in the spirit of old chivalry, were ready to seek out danger, wherever it could be found. Many wise men have doubted the propriety of this system, and have thought that it would have been

far better to leave the Indian races unmolested, and wait until, by the gradual course of attrition and intercourse, the weaker race had become amalgamated with the stronger. To such a state of things there was no impediment; the history, not only of the French and Spanish colonies, but of more than one of the states of this confederacy, proving that there existed no repugnance between the Caucasian and the Cis-Atlantic race.

That this is the case, is made peculiarly apparent by the history of the French colonies. This pliant nation, acting on the principle of *suaviter in modo, fortiter in re*, have never been engaged in any serious contest with the Indian races. The French colonists, coming to America, assimilated themselves with the occupants of the soil, and made such an impression, that even now, when for nearly a century the French flag has waved over no portion of the country on this side of the Mississippi, tribes which formerly lived there, though frequently without a single member (of the full blood) speaking English, have hundreds familiar with the French.

This policy of the United States was inhumane to the Indians of the eastern portion of the continent, and also most materially affected the condition of the races in the great valley of the Mississippi, and the *plateau* which is on both sides of its upper portion. It is an opinion generally received, that the North American Indians have little attachment to locality; in other words, are not susceptible of that love of country which is so cardinal a quality in ourselves. A thousand facts refute this assertion. Did Powhatan,—did Opechangenno, and a hundred chiefs of the great confederacy of Ouasahun-canoc, as they called the country between the Delaware and the Santee, love their country? They have left a

memorial of their attachment by the legends of strife on the banks of every stream of that "country of rivers," and in hundreds of families sprung from them, members of which are diffused through every grade of society, almost in the whole Union. Did King Philip love his country? Why, after his death, was it thought necessary to consign his family to slavery beyond the seas? Did the Seminoles love home? And of what spoke the loud, indignant, but powerless cry of the Cherokees, when exiled only a few years since, but of a deep attachment to the land of their birth? The error is great. The white man does not love his home (for rarely in America are two generations of the same name buried in the same spot); but it is not true of the Indian.

Even now it is a matter of every-day occurrence (Mr. Jefferson records many such) for descendants of tribes, now mingled with other races, and whose very names have disappeared, when chance directs them to the national capital, to turn aside from the direct route, the recollection of which they seem almost miraculously to keep, to do homage to the spot made holy by the graves of their fathers. The preservation of the memory of the dead, and this attachment to home, are their characteristics. Every Englishman's home is a castle; and the feeling which makes it so is in the highest degree commendable. It does not, however, exceed that sentiment which makes the old home of every Indian race to *them* a Holy Land. The greatest outrage which can be inflicted on any Indian people is to separate them from this spot.

This is a principle of the human heart; and the violation of it has caused every Indian war which has taken place since the establishment of the government. The cause of the many conflicts of St. Clair and Wayne; of all

the horrors of "the dark and bloody ground," was not the enmity and natural depravity of the Indian, but the cupidity of the whites ; and that one perpetual war has not been waged against the United States, must be traced to an impression of the superiority of the European races, which is universal in the minds of all Indians, and is probably based on some half-forgotten myth of other days. The Incas of Peru, the Montezuma, and the old kings of the realm of Quiche, all were under the influence of this feeling of inferiority. Occasionally they have gone to war with one or the other of the three great powers of this continent, Great Britain in her colonies, Spain, and the United States, but only when two were arrayed against each other.

For a long period of time, the Sauks and Foxes, or, as they call themselves, Sukees, had been established on the Rock river, in the present state of Illinois. There they dwelt when the French colonists, led by Father Hennepin, entered the present state of Missouri (then a part of Louisiana), by way of the St. Lawrence and great Lakes, and there they had remained during the whole time of the British predominance. The mass of the nation had moved westward ; one band had gone northward, into Canada ; but, in 1830, a large band yet remained in the old home of their fathers.

In this section of country are many memorials which connect the North American Indian, either as an originator or destroyer, with a civilization, of which we have as positive evidence as of that Pelagic and Hetruscan art, which like it, have left as tokens of its existence only ruins. Far up on Rock river, in Wisconsin, are the ruins of a mighty city, the walls of which may yet be traced, proving incontestably that it was built by a people acquainted with the mechanic arts and with the science

of defensive fortification. Salient and re-entering angles may be distinctly traced there, as in the works of Vauban and Cohorn, though they are not constructed according to the precise rules of any old world system. The people of the country, catching the idea from the Canadian population, tell you that this is an old French work, and connect with it some long story about the Sieur La Salle and his companions. The idea is, however, absurd. No European ever laid one of the *unbaked bricks*, or one of the stones of which the walls are built. Its very size is a contradiction of this. It is competent to contain all the European troops landed in America since its conquest and discovery by the whites; and nature herself has proved its age, by that of oaks two hundred and fifty or three hundred years old grown on its walls, since they were deserted and levelled with the ground. Around these scenes lived the Sauks in a country which, though with a rigid climate, was of surpassing fertility, and abounded with game and all the necessities of their existence.

In 1830 their village was near the mouth of the river, and the countless graves around it were proofs of the justice of their title to the soil. A treaty made in 1804 with the chiefs of the Sauks, provided for the cession of this peninsula to the United States, with the proviso, that so long as it belonged to them, the Indians should have the privilege of hunting and inhabiting it. An ambiguous condition, by which the Indian, ignorant of separate states, understood that the perpetual usufruct was his; and the government, that when a new state was erected, including in its limits this peninsula, it was no longer bound to protect the Indians in the enjoyment of this promise. The government, in ad-

dition to this, had guarantied to the Indians that these lands should not be intruded on by squatters.

Several prohibitory laws by congress, however, did not keep back the vagabond whites of the frontier, and a gradual encroachment on the Saukees produced great ill-feeling on their part. It is a sad thing, yet undeniable, that along the whole western frontier the universal feeling towards the Indians is enmity. Clamors from the people on this side of the Rock river finally induced the government to order the sale of the lands, and in 1829 the field on which stood a portion of the Saukee village, opposite to Rock Island, was sold at auction. Black Hawk, the chief of the band, became enraged, but at the instance of persons who had influence over him, was persuaded to remain quiet, under the impression that the tribe would not be molested unless it had distinctly and positively sold the village.

The great and moving mind of the Saukee nation at that time was Black Hawk. He had acquired a reputation and the respect of the people he governed by feats worthy of the most powerful days of his tribe, and the admiration of the whites by conduct assimilated to their ideas and standard. He was a fit man to become the champion of an oppressed people. This is scarcely the place for a sketch of his early career, and of the peculiar deeds by means of which he acquired this influence. His subsequent career is, however, a leaf of the history of the United States.

In 1831, the Indians as usual planted the corn which, with the exception of a few roots and succulent plants, is their only crop, and expected to harvest it, as they had done for generations. Scarcely, however, had it been planted, when the settlers ploughed it up, and other minor trespasses were committed. With a forbearance

—rare in an Indian (for with this people a blow quickly, and sometimes precedes a word), Black calmly remonstrated, and then gave the whites to leave his village. On about the 20th of May, a mail the whites complained to Governor Reynolds, of the fact that Black Hawk had threatened them, and that the Indians were depredating on the property of the whites. The property was the soil on which for generations back the Saukee nation had dwelt.

The governor immediately called out seven hundred mounted men to remove the Saukees, a circumstance communicated on the 28th of the same month to Major General Gaines, then commanding the western frontier, and who had established his head-quarters at Memphis, Tennessee. General Gaines ordered immediately six companies of infantry to move from Jefferson Barracks, and four others from the post at Prairie du Chien, to Rock Island, for the purpose of pacifying the frontier. Of this body of men General Gaines assumed the command, and after a conference with Black Hawk and the other chiefs who had become exasperated, without any good results, occupied the Saukee village on the 26th of June, without any resistance. On the previous day the governor of Illinois and General J. Duncan of the militia of that state, had joined him with a force of sixteen hundred men. On the 30th of June, General Gaines and the governor concluded a capitulation, by which the Saukees agree to move beyond the Mississippi.

The Saukees were not left unmolested in the homes to which they moved. A series of petty outrages were committed on them, doubtless not by the steady and reputable people of the state, but by numbers of desperadoes who had been attracted, as vultures are to their

Dege, by an idea that an Indian war would afford an opportunity of indulging in that red-handed rage which so much pleased them. The Indians also behaved badly, and in spite of the iterated orders and warnings of the late General Atkinson, who commanded Fort Armstrong, at the mouth of the river, persisted in returning to the Illinois side, for the purpose, they stated, of raising a crop on the lands of the Winnebagoes, who were established on the south side of the Mississippi, a stream tributary to the Mississippi, above Rock river.

Black Hawk was a very intelligent man, but at that time, like most of his race, much as he feared the whites, was ignorant of their power and resources. It is not possible that he wished to array against the United States a confederacy of all the Indian tribes of the north-west. Finding them unprepared to join him, he sought to recross the river. The Indians had encamped at a point on Rock river, above its mouth. A large body of Illinois militia, commanded by a Major Stillman, had proceeded from Dixon's ferry on a scouting expedition to a point higher up, where Sycamore creek meets the river. Black Hawk, who was above, hearing this advance, sent out three young men with a white flag to meet them, one of whom was captured by Stillman's party and inhumanly shot. Another party of the Indians was also badly treated, two of the number having been shot. The volunteers continued to advance, until, after having crossed the Sycamore, they met Black Hawk at the head of his warriors, very naturally anxious to avenge the murder of his envoys. The command of Stillman having violated a fundamental rule of war, which should be especially observed towards a savage people, behaved only less disgracefully on the field of

battle, because their conduct injured no one but themselves. They retreated at the first attack, leaving twelve men killed; and being pursued by the Indians, were totally routed.

This partial success was most injurious to the Indians, who, as is the wont of the red man, looked on it as an augury of victory, and could no longer be restrained. The people of Illinois were greatly alarmed, and the governor at once called out an additional force of two thousand militia. After a series of engagements, the general result of which was favorable to the whites, the place of retreat of the Indians on the Wisconsin river was penetrated, and they were driven from it. One large band sought to go down the river in boats, but were overtaken, and forced to surrender. Black Hawk, at the head of the mass of the nation, sought to escape beyond the Mississippi, which he wished to cross at the mouth of the Iowa. General Atkinson hotly pursued them, at the head of a large force of regulars and militia, and totally defeated them, at the battle of "the Bad Axe," the translation of the Indian name of the place. Black Hawk escaped, but was subsequently surrendered to the Indian agent by two of the members of his party.

This was the end of the Black Hawk war. The chief and two others of the tribe were taken, as prisoners, to the seat of government. After being for a short time imprisoned in Fortress Monroe, at the mouth of James river, they were suffered to return to the tribe, but sank into the insignificance which seems the portion of the unsuccessful. Black Hawk has been dead some years.

Immediately after the defeat of Stillman's party, it was supposed that the Potawatamies, Kickapoos, Winnebagoes, and other kindred tribes, seduced by this first

success, would unite with the Saukees, and that a general frontier war would be the consequence. Under this impression, Major-General Scott was ordered to the scene, to prevent it, if possible; if not, to conduct the operations of the American army.

In obedience to this order, General Scott started from Buffalo, New York, with nearly one thousand men. As it was thought advisable that this force should be on the spot at as early a date as possible, the troops were placed on steamboats to be sent to Chicago, from which point they were to co-operate with the regular and volunteer force, commanded by General Atkinson. They were doomed, however, to meet a deadlier force than that of the Indian;—to contend with an enemy against which the warrior's arms and the devices of science were alike unavailing; to see men who had breasted the battle, and whose brows were bronzed by the exposure of a lifetime, droop and die as the Assyrian of old did at the breath of the destroying angel. The Asiatic cholera, which, after devastating the old world, had been brought into America, appeared on board of the transports, when the voyage was nearly accomplished; and the boat floated on the calm bosom of the lake, in the midst of an atmosphere seemingly uncontaminated by anything that could support contagion.

The origin, progress, and disappearance of this disease is sufficient, almost, to induce mankind to believe that God Almighty sends in his wrath scourges to punish the world for its sins; sometimes in the shape of disease and contagion, and occasionally as Attila and Alaric came to avenge on one generation the sins of its fathers, come these bolts from heaven. The annals of the world record the appearance of this scourge, first beneath the sultry sun of India and the countries

beyond that land. Gradually but rapidly passing northward and westward, not the snows of Siberia or the deserts of Arabia have been able to restrain it. Moscow, St. Petersburg, Vienna, Prague, Constantinople, Venice, even Rome itself, made holy by the residence of the vicegerent of St. Peter, were visited by the presence of this scourge. Germany, France, even the ice-bound shores of Scandinavia, were visited by it, and from England it passed into the United States through Canada and the British colonies north of it. It swept through our land, and only paused when it reached those climates which science, in its vanity, had foretold would be devastated by it. The Havana, the various ports of the Antilles and South America, where pestilence ever rages, it spared. Science was at fault. The diagnostics of the medical art could afford to its nature no clue, yet the cholera was everywhere. The first case occurred in the city of New York, when a gentle west wind was blowing, and the air was balmy and seemingly uncontaminated as on the morning of creation. So was it at Philadelphia, at Baltimore, at Richmond, and all the ports of the Atlantic coast. Pittsburgh, Louisville, St. Louis, and New Orleans, have records of the same nature. It passed through the land sparing neither the rich nor the poor. It decimated the lowly and the humble. The priest at the altar, the laborer in the fields, and the lonely scholar, alike were stricken by it. Even the soldier, amid the perils of his profession, shrunk from a foe against which art was powerless and science vain. It disappeared miraculously, as it had come, and when its traces were no longer seen, the people breathed as if the burden of ages were removed from them.

The date of the appearance of the cholera in America was on or about the 5th of June, 1832. It was brought

in an emigrant ship from Liverpool to Quebec. In a few days it was at Montreal, in a week at Kingston and Toronto. Early in July General Scott sailed from Buffalo for Chicago with his force, nearly a thousand strong, in four boats. On the 8th of July, while in the centre of lake Erie, with the pure water around him and a vast and primeval prairie on each side of the lake, the cholera made its appearance.

On the 10th, the steamer Sheldon Thompson arrived at Chicago, with General Scott and his personal staff, and two hundred and twenty-five officers and men. In less than a week the boat left, but during that time one officer and fifty-two men had died. It left eighty others sick at Chicago. Major Twiggs (the present general), of the 4th infantry, was on board of the steamer Henry Clay with a large command. In this boat the officers, in proportion, suffered most. The captains who had stood the test of every climate of our wide extended country; the subalterns, in the buoyancy of youth and health; and the medical staff, by the side of the men, paid tribute to the destroyer. The men were landed near Fort Gratiot, at the foot of Lake Huron, not far from Detroit, and suffered to such a degree that all discipline was destroyed. From these and the other boats the men deserted in masses, and the dead bodies of those who left their colors were strewn for miles along the road. A traveller reported that near Detroit he passed six, in all the agonies of this fearful disease, dying beneath one tree. The sufferers died in the camp and in the wilderness alone and unattended, without the eye of any comrade to watch over or relieve their sufferings. The few survivors were strewn over the country, avoided by the people as the harbingers of pestilence, and seeking in vain some place where the scourge had not been felt.

An officer, since dead of a crushed constitution, which he attributed to the sufferings of this march, stated, that of all his company, which *was* full, but himself, a sergeant, his drummer boys, and laundresses, remained.

In this season of sorrow and distress, though he was ill, Scott exposed himself by attendance on every grade. He passed from the quarters of the field-officer to the lowly couch of the private on his mission of mercy, so that not one man who shared in the sorrows of that sad march can think of the general but as a benefactor. These occurrences detained him some days at Chicago; and when he was able to leave, of the nine hundred and fifty men who had left Buffalo, but four hundred answered to their names. This remnant he placed under the command of the late General Eustis, and hastened across the prairies to join General Atkinson. He found this officer at Prairie du Chien, the day after the battle of the Bad Axe. This battle, it will be remembered, occurred August 2d.

The routed Indians were brought in prisoners, and with them the members of the other band of the Saukees and the Winnebagoes, both of which had doubtless given aid and comfort to Black Hawk. About the 15th of August the cholera broke out in General Atkinson's army, which was stationed at Rock Island, whither Scott had come from Prairie du Chien. Again General Scott was called on to minister to the comfort of his men. He himself suffered under many of the symptoms of the disease, yet day and night he was with the sick. The whole camp was become a hospital; and those who were not its victims suffered with apprehension, not less than the many who were stricken by it. On the 8th day of September many had died, but the infection had disappeared.

About the middle of September he instituted negotiations for the final settlement of all difficulties, and a council was held at Rock Island, at which General Scott and Governor Reynolds represented the United States, and chiefs were present from the Saukees, Winnebagoes, Sioux, and Menomenies.

The Saukees and Foxes, two tribes united into one, were the leaders of this council, and exerted great influence over the other tribes; with each of whom, however, it was no rare thing for them to be at war. They were not numerous; by their comparative cultivation, however, and their courage, they had acquired this influence. After the defeat of Black Hawk, a chief (Keokuck) who previously had acquired and lost much influence, yet who still was reputed one of the bravest and most prudent of the tribe, at the instance of General Scott, was restored to power.

The conference was long; the Indians displayed themselves in all their pride, and the American general took occasion to exhibit that "pomp and pride of war," which none understand better than he. The result was important, both to the red and to the white man. The wonted oratory of the Indian was displayed, and at last a series of treaties were formed, which acquired for the United States the *undisputed* title of a large territory, and, however painful the circumstance may have been to the Indians, contributed to their interests by removing them from the contamination of contact with the frontier whites.

The speech of Scott, to whom Governor Reynolds on this occasion yielded the *parole*, has been faithfully and fully reported, and maintains the idea already entertained of his good sense and talent.

The first treaty concluded was with the Saukees and

THE GENERAL-IN-CHIEF—SCOTT.

Foxes, who ceded to the United States about six millions of acres, the mass of the present state of Iowa, and one of the most valuable regions of the Union, in consideration for a reservation of four hundred square miles on the Iowa, to themselves, and an annuity for thirty years of twenty thousand dollars, the payment of the debts of the tribe, and a few provisions of minor importance.

Another treaty was made with the Winnebagoes, by which they ceded to the United States five millions of acres east of the Mississippi and north of the Illinois, comprehending a large portion of the present Wisconsin, in consideration of a territory north of the Wisconsin river and Lake Winnebago. A similar annuity was also granted to the Winnebagoes and to both bodies a full hunting-ground.

The conduct of General Scott in the making of this treaty won him the love of the Indians, who since that time have ever spoken of as the "good tall war-chief." He was more their friend than they were aware of. He removed them forever from British influence and rendered it almost impossible for either of these tribes ever to be arrayed against the United States to benefit a power which, without assisting would have used them as it ever has all small peoples, for the advancement of its own selfish ends. After the termination of the council, the troops returned to their several stations. We next find Scott in a more trying scene.

CHAPTER VIII.

Scott arrives in New York—South Carolina and Nullification—
Action of the Southern States—Scott in Charleston—Extract
from Leigh—Settlement of difficulties.

GENERAL SCOTT arrived in New York, in October, 1832, after the fatigues of this harassing campaign. Body and mind both required rest, but within a day or two the general was ordered to Washington on duty of a confidential character. This was the era of South Carolina nullification, and the command of that department was confided to him. Never was soldier intrusted with a more delicate command, or with one which imposed more responsibility or higher duties. Even now the events are too recent to be carelessly handled, and too important to be made the subject of discussion. What were his opinions none can tell; he was, however, emphatically a man of the south, and it needed no ghost to tell that a collision between the state and federal authorities, would be tantamount to a severance of the Union. The great object of Scott was to prevent this, and he had brilliant success in his efforts.

The wisest and best men of the nation have held contrary opinions on the right and wrong of this movement of South Carolina; where the minds of such men as Webster and Calhoun, Van Buren and Tazewell, Leigh and Clay cannot agree, it scarcely becomes a mere recorder of military events to hazard an opinion. A mere statement of affairs as they occurred is all that

should be expected in this book, and all that its author is able to present.

On the 15th of May, 1828, the tariff act was passed by congress, which imposed on foreign goods a higher duty than any previous act, avowedly for the protection of American manufactures. All the agricultural states of the sea-board opposed it, while the manufacturing states of the east and the new ones in the west approved of it. The opponents of the measure objected to it on two accounts: first, because it opposed a bar to importations and as a consequence diminished exportation of raw material; and secondly, that the heaviest duties were imposed on articles consumed by the south almost exclusively. If this were the case, as they maintained, the tariff was unconstitutional because the taxes it imposed were unequal.

For four years afterwards great excitement was maintained in Virginia, and all the states south of it. In South Carolina the dispute in bitterness equalled that of the old contest between the federalists and republicans. In that state matters reached a crisis which must have led to collision and war, had it not been for the moderation of the public servants, the modification of the tariff, and the interference as a peacemaker of the commonwealth of Virginia.

Twenty-eight days after the passage of the act, the people of Colleton district announced to their fellow-citizens the doctrine of the propriety of open resistance to all unconstitutional bills passed by the federal legislature. Another address, passed at the same time, called on the governor of the state to convene the legislature immediately. This Governor Taylor refused, alleging that when public opinion was thus excited, there was no room for calm deliberation.

The Hon. George McDuffie then threw his high talent into the scale of this feeling, and at a public dinner at Columbia, on the 19th of June, suggested the propriety of the imposition of a state duty on northern manufactures. The people became highly excited in South Carolina, and a large party sprung up in almost every state of the Union, sympathizing in the movement. Even as far north as Philadelphia, a journal, called the "Examiner," edited by Condé Raguet, was published as an open advocate, if not of the course of the state of South Carolina, of "the right to nullify an unconstitutional enactment."

The grand jury of Wilkes county, Georgia, presented to the judge, W. H. Crawford, the tariff of 1828, and recommended to the legislature and their representatives, the adoption of such measures as would lead to its repeal.

This doctrine was not a new one, being based undeniably on the resolutions of Virginia of 1798, and of Kentucky of nearly the same date, avowedly written by Mr. Jefferson. The remedy was maintained to be peaceful; and, if bloodshed ensued, the responsibility rested not on the nullifiers, but on those who resisted them in the exercise of their peaceful and constitutional rights. Mr. Preston, Waddy Thompson, Mr. Holmes, and William Hamilton threw themselves also into the arena, and the excitement increased. Two letters, however, opportunely published by the venerable James Madison, for a time allayed the feeling.

On the 30th July, 1830, the master mind of the whole south, Mr. Calhoun, declared in favor of the right and policy of nullification. These opinions were not, however, unopposed, even in South Carolina, where many eminent individuals took a prominent stand against them.

A convention of the people of South Carolina was, however, called by an enactment of the legislature, in October, 1832, to take into consideration the acts of congress in relation to the tariff, and to obtain redress. This convention met at Columbia on the 19th of November, 1832, and enacted an ordinance nullifying the obnoxious laws, *quoad hoc* arresting the authority of the courts, and placing all officers under oath to obey only the ordinance and laws to enforce it. It pronounced the tariff act of 1828 (which had been slightly modified in 1832) "unconstitutional, no law, and void," not binding on the state or its citizens. It forbade the collection of duties imposed by it, though the importer were willing to pay; forbade appeal to the supreme court; and declared that if the federal government attempted to enforce the tariff, South Carolina would consider the Union dissolved, and organize a separate government.

Many of the states denounced this legislation, and the president of the United States published a proclamation in opposition to it, which became the subject of angry controversy, and which, with the strong good sense which characterized him, he subsequently explained away, if he did not absolutely revoke it.

The president and cabinet, however, took steps to enforce the revenue laws, and for that purpose ordered General Scott to assume command of the department, the head-quarters of which were at Charleston.

General Scott arrived at Charleston on the 28th of November, only two days after the passage of the ordinance. The excitement in Charleston was intense; the two parties were nearly equal, and ready to commence hostilities. Volunteers were organized, not only in South Carolina, but the neighboring states and country around seemed on the verge of civil war.

Scott immediately prepared his posts for the collision which seemed inevitable; reinforced the garrisons, obtained supplies, and showed conclusively, that, as a true soldier and servant of the Union, he was prepared to defend its laws as long as the government lasted. He also sought to mollify the feelings of the people, and to superinduce deliberation. He had such influence that the leading men of the nullification party determined that, although the time fixed for resistance by the ordinance was the first of February, no positive step would be taken before the adjournment of congress.

In the meantime, when but a few days would have made the crisis irretrievable, a mediator appeared. The legislature of the state of Virginia, the governor of which certainly, and the mass of the people, it is believed, sympathized with South Carolina, passed a series of resolutions: one of which requested congress to repeal or modify the tariff; another requested South Carolina to reconsider her legislation; and a third authorized the appointment of a commissioner to represent the opinions of Virginia to South Carolina. Her representatives at Washington were her senators, Littleton Walter Tazewell and John Tyler. The commissioner was Benjamin Watkins Leigh. He had high success in his mission. The congress of the United States passed the "compromise act," introduced by Mr. Clay. South Carolina repealed her ordinance, and peace was restored to the Union.

Mr. Leigh saw Scott in the midst of his onerous duties, and thus speaks of him:*

"I was at Charleston when he (Scott) arrived and

* This letter was written on Scott's return, after a temporary absence.

assumed the command, which he did without any parade or fuss. No one who had an opportunity of observing on the spot the excitement that existed, can have an adequate conception of the delicacy of the trust. General Scott had a large acquaintance with the people of Charleston; he was their friend; but his situation was such that many, the great majority of them, looked upon him as a public enemy. What his orders were, I cannot undertake to tell you, nor have I any means of knowing but from his conduct, which, I take it for granted, conformed with them. He thought, as I thought, that the first drop of blood shed in civil war, in civil war between the United States and one of the states, would prove an immedicable wound, which would end in a change of our institutions. He was resolved, if it was possible, to prevent a resort to arms; and nothing could have been more judicious than his conduct. Far from being prone to take offence, he kept his temper under the strictest guard, and was most careful to avoid giving occasion for offence; yet he held himself ready to act, if it should become necessary, and he let that be distinctly understood. He sought the society of the leading nullifiers, and was in their society as much as they would let him be; but he took care never to say a word to them on the subject of political differences. He treated them as a friend. From the beginning to the end, his conduct was as conciliatory as it was firm and sincere, evincing that he knew his duty and was resolved to perform it, and yet that his principal object and purpose was peace. He was perfectly successful, when the least imprudence might have resulted in a serious collision."

The great merit of Scott consisted in his moderation. A less prudent man would have involved the nation in

civil war. He left South Carolina with the recorded approval of his course by the secretary of war, and with the good feeling of the nullifiers. This, added to his conduct in the Saukee war, earned for him the title of "the great pacificator;" an appellation to which we shall hereafter see him acquire new right.

In the course of this controversy many incidents occurred, which contribute much to the high character of the service.

The conduct of the army and navy in this crisis cannot be too highly commended. Each maintained its ancient reputation, and merited the greatest applause. This is peculiarly worthy of approbation, as the freaks of a drunken soldier or the wild inebriety of a sailor might have brought about a contest, the result of which would have been civil war.

Civilians, too, exhibited instances of rare forbearance. No one who looks at the history of the times, can doubt but that the South Carolinians were resolved to carry out all their plans. They believed they were right, and were prepared to risk all they possessed on the result of the contest.

The officers of the army and navy, prone as they are to resent any insult, by common consent agreed to yield the *pas* to all; and, except on the 22d of February, that national holiday, forbore from all demonstrations that they were the servants of the whole Union. Then, the national salute, the brilliant rockets, and the loud roll of drum and musketry, recalled to Charleston that a whole nation heard similar sounds. The crisis passed by. It is believed a similar one cannot occur again, and it is better to suffer the past to be forgotten.

CHAPTER IX.

Seminoles—Their origin—First hostilities—Osceola, his conduct—Massacre of Dade and his companions—Battle of Outhlagoochie—Scott takes the command—Difficulties of the service—Sickness—Scott superseded—Court of inquiry—Scott's defence—Finding of the court.

THE interest of every part of the military history of the nation will be found to be concentrated in the career of General Scott. Therefore it is that in the present part of this work it will be found most convenient to refer to the origin of the Florida war. The Indians whom De Soto and the Spanish conquerors found in Florida had long been extinct, or existed only as a broken band called the Mickasukees, or in fusion with the other Indians who subsequently had invaded the peninsula. The new comers were an abrasion from the great Creek or Muscogee race, and were called in their own language, *Seminolé*, or the lost people. Originally outlaws and refugees from the great and powerful race who had been long in the mountains of Georgia and Alabama, they had been joined in their new homes by many of the more adventurous portion of the people, and by countless runaway slaves from the civilized portion of Florida, Georgia, and Alabama. They had also established some degree of intercourse with the old and aboriginal Mickasukees.

Unlike most of the Indians of the continent, who exhibit the greatest distaste to the African races, the Muscogees have ever shown a disposition to assimilate with them. The number of persons of mixed African

and Indian blood has long been large, and in the course of the Florida war some of its most influential leaders were negroes.

All who have visited the Creek nation, either in the east or west, will bear testimony to the very apparent presence of African blood in the majority of the people.

For a long time the colonization of Florida was slow, and the Indians were in undisputed possession of the shores of its beautiful lakes and bays and fertile hammocks. The peculiar institutions of the country, and the impression of its unhealthiness, were sufficient to divert all emigrants but those who had been born under the influence of a similar climate, or had no objections to establish themselves in a country where slavery was one of the conditions of society. At last, however, the Seminoles began to feel themselves pressed upon, and prepared for hostility. The first overt act was the attack and murder of the mail carrier, about six miles from Fort Brooke, on Hillsborough Bay, one arm of the great Gulf of *Espiritu Santo*, or Tampa Bay. This occurred on the 11th of August, 1835.

The body of the mail carrier was thrown into a lagoon, and the mail carried off so completely that no traces of it could be found afterwards. This latter circumstance may induce us to believe that on the commencement of hostilities, though the Indians may have murdered a mail rider, they would not have carried off a mail.

This was at first supposed to be but an isolated outrage. It was soon, however, discovered that the Seminoles and Creeks in Florida meditated a hostile movement against the United States. Before the autumn had passed away, many other outrages had been committed, and in plain English an Indian war existed in the terri-

tory. The whites, in turn, became indignant against the Seminoles, and threatened them with utter destruction.

OSCEOLA, or Asse-yahola, called by the settlers Powell, was one of the leading and most influential chiefs of the Seminoles at this time. He was a half-blood, his father being a white and his mother a Muscogee woman. It may be proper to state here one peculiarity of the Indian mode of counting genealogies which is strange, yet not without a foundation in justice. The children are always traced by their mothers instead of their fathers. For instance, the children of a chief's daughter succeed to the chieftdom in preference to those of a son. The reason assigned is that the children reputed to belong to the real son, may not be the chief's grandchildren, but that the children of a chief's daughter, if she be really his child, must be the chief's grandchildren. For this reason, though a half-blood, it is probable that Powell succeeded to some hereditary influence over the many Creeks in Florida. He was, it seems, always a man of influence, but of a proud, gloomy, and morose nature. He had on more than one occasion expressed himself in relation to the rights of his people: declared that the country belonged to the Indians; that the Seminoles needed no agent; and bade General Thompson, who was with them as agent, begone from among them. For this very natural burst of rage, he was most imprudently arrested and confined. After his release his manner appeared changed, and he signed a subsequent treaty with great apparent satisfaction. He also rendered some services to the whites by arresting more than one desperado, who had taken refuge among the Indians. This was, however, but a ruse, for in a short time he threw off the

task, murdered his rival, Charley Mathla, a friend of the whites, and after forcing the followers of the latter to join him, and making a treaty of alliance with the Mickasukees, between whom and the Florida Creeks there had for some time been a feud, he began hostilities against the whites. ' On the 28th of December, General Thompson, the agent, and Lieutenants Constantine Smith, Erastus Brooks, and two other persons, were shot within two hundred and fifty yards of Fort King, by a party of Indians, at the head of which was Osceola.

On the 22d of December, 1835, Major Dade left Tampa Bay, with a force of one hundred and twelve officers and men, to reinforce Fort King, which is near the centre of the peninsula. After marching sixty-five miles in five days, at the end of each of which the command was forced to entrench itself; on the morning of the 27th he was attacked by an enemy hidden in the hickets, with so fearful a fire, that most of the officers and men were wounded or killed. After a desperate contest, the whole party but three were slain. The latter only escaped by artifice. The officers killed were Major Dade, who fell at the first volley, Captain G. W. Gardiner, Captain Frazier, Lieutenants Bassinger, Keayes, Mudge, and Henderson, and the surgeon, Dr. Gatlin. They did not die without resistance, however, but slew, according to the account of the Indians themselves, great numbers.

But three days after, General Duncan L. Clinch, at the head of about two hundred regulars and a volunteer force, marched towards the Outhlagoochie, where he found the Indians collected. After crossing the river, on the last day of the year 1835, he was attacked by Osceola. Clinch and his regulars beat back the attack most gallantly; and had it not been that the volunteers,

not as the a very narrow, narrow
in the time. Her name during the
other locally, but in this, nothing is a
variation.

These events being more properly
history of the country, and are but two
of the territory through the winter of
territory was devastated, and nearly the
was visited with fire and sword. The
St. Augustine and of Jacksonville were
many beautiful plantations on either
Islands were ravaged. This magnificent
means of which the extensive lakes on the
the peninsula are drained, is one of the
countries in the world. Were it not for a
mouth, a frigate from the sea might beat
or one hundred miles. It had already in
its bosom vessels freighted with a value
and every day arrivals from the states in
of the territory through which it ran, in
grounds to its shores. The vast and
which showed it was from a river and

Of this country, when matters were at the worst, General Scott was ordered to assume the command on 20th of January, 1836. At four P. M. he saw the secretary of war, and was requested to say when he could be ready to set out. His answer was, 'that night.' His instructions could not, however, be prepared before the next day. It seemed not improbable that many of the principal Muscogeas or Creeks would join the Seminoles; and the orders of General Scott, received on the 1st, were based on such a contingency. One month was consumed in the voyage and in necessary delays, before he reached Picolata, an estate on the St. John's, directly west of St. Augustine, and where, subsequently, the general hospital of the Florida army was established. At this place, on the 22d of February, he published his orders, assuming the command, &c. The army was formed into three columns, of which General Clinch was to command the one west of the St. John's; that east of the river was to be commanded by Brigadier-General Eustis, and the other, with head-quarters at Tampa Bay, was to be commanded by Colonel Lindsay. To increase each of these columns, militia were drafted from the adjoining states.

At the end of the year 1835, the adjutant-general reported the number of regular troops in Florida to be twelve thousand, including officers of all grades and men. The war at this time became connected with the views of the abolitionists and their opponents, in consequence of the fact that a large number of fugitive slaves were known to be among the Seminoles, whom their masters wished to reclaim, and because it was apprehended that the slaves taken in their forays from the plantations of the whites, would be conveyed to Havana and there sold in the slave markets and barra-

comes. For this reason also a naval force was be kept between Cape Florida and the north of Cuba. Communication, however, did take place of the naval co-operation as lately as the winter of 1839, when several officers of the army at Plaza Vieja of Havana, persons evidently of the North American Indians, and heard speaking the Muscogee language.

The reports of various battles also show the presence of a large body of negroes, and it was frequently ascertained that at Dade's massacre sixty negroes were present, well armed and mounted in the massacre and slaughter of the wounded, and more ferocity than the Indians; they also universally, in the minds of the whites, more than the latter.

Acting on information which came from a source as to make it seem authentic, all the columns previously mentioned, each of which had before been reinforced by volunteers, moved towards the Withlacoochee, where they were in fancy sure of finding the enemy in force. Though from time to time small parties of Indians were met, they uniformly retreated at the delivery of a single volley, and in a country unexplored as Florida at that time was, defied pursuit. The columns moved through the country where the Indians were known to have been, without either discovering them or their retreat. On the 5th of April all the divisions had returned to Tampa Bay, in consequence both of famine and sickness. No one can form an idea of the peculiarities of Florida, without having seen it. Wagons became really what Cæsar called them, *impedimenta*, and beasts of burden are required not only to transport the food of the army, but their own forage. The men, but

drawn from more temperate climates, sunk
influence of the hot wind and the difficulties
Florida hammocks.

columns therefore returned one after another;
the general discovered that the main purpose
been realized, he organized six smaller columns
are to explore the whole country occupied by the
and if possible ascertain their haunts. At the
one of these General Scott went to Dade's battle-
crossed the Ocklawaha, and ultimately proceeded
Volusia, on the St. John's. The other columns
commanded by General Eustis, Colonel Smith of
a (at present brevet brigadier-general of the
Major Reed of Florida, and Colonel Lindsay;
ever, were unsuccessful, with the exception of
 skirmishes with the Indians, whom of course they
ly routed.

the course of one month; the time consumed by
operations, four hundred (one third) of the regu-
e attacked with a peculiar and distressing fever
is character, the best conceivable defence of the
Provisions had failed, and nothing had been
except the certainty that the war was to be a long
the enemy literally to be pursued into swamps
dernesses, scarcely ever penetrated by the foot

The people of Florida, though perfectly aware
were unjust enough to censure the general who,
first time in his whole career, had met with a
which, even in this case, was caused by the dis-
his command. The subsequent history of this
tified all the arrangements of Scott. When a
impression was first made on the power of the
les, by Colonel Taylor, and their power was ulti-
crushed by Colonel Worth, it was by a rigid ad-

herence to Scott's plans, and by availing themselves of a thorough knowledge of the country, to which the marches of his six columns had in no small degree contributed.

Now, when almost every officer of rank in the army has commanded in Florida,—when all have undergone the ordeal of its marches and climate, who can appear before the bar of public opinion and allege that he has done better? General Taylor at Okee-chobee defeated the Seminoles, and exhibited a military talent not second to that subsequently displayed by him in Mexico. He first found them, however,—which Scott could not do. The reason why, will easily be understood.. Florida was a wilderness. On the greater part of it, the white man had never stood, and long before the war began, the Indians exhibited a fixed determination not to permit it to be known. Even the officers who for years had been stationed at Fort King and Tampa, had rarely penetrated more than a few miles from their posts. They were in fact maintained as much to keep in order the hybrid Minorcan, Spanish, and American population, as to hold the Indians in check. The peninsula, with its dependency, West Florida, almost as large as the state of New York, contained, it is true, a mass of rich and fertile lands, and many deep and navigable streams; its woods teemed with game, and its rivers abounded with fowl and fish, but the greater part of the soil offered small temptations to the settler. The people of the peninsula knew little of the Seminoles, who revealed themselves first by their outrages. The vast Payahokee or Everglades, a region which almost recalls the fabulous chaos, was scarcely known to exist; and even now, there are numberless islets amid its recesses altogether unexplored. The information upon which General Scott based his
on- ^a incorrect, though it seemed well founded,

and could be rectified by no diligence on his part. General Scott's connexion with this war was brief; and a more full description of the country will more properly consort with the plan marked out in the sketch of other officers.

Before he left the command of Florida, General Scott informed the secretary of war, in a report written April 30th, that, though aware the Seminoles were not numerically great, a force of twenty-four hundred foot and six hundred horse would be required to subdue them. He also called for two steamboats and a number of barges. A much larger force than this was ultimately required to overpower them. -

On the 20th day of May, 1836 (some difficulties having ensued among the Creeks in Georgia and Alabama), General Scott left St. Augustine for a new scene. He proceeded there, to organize his commissariat and to receive volunteers. By the first of July, the war (which had threatened much) was virtually concluded, five hundred hostiles having been captured. He soon after turned over the command to General Jesup, who, on the 12th, wrote that of thirteen hundred other hostile Creeks, nine hundred were in his possession. -

On the 9th of July, "Scott gave up the command, under extraordinary circumstances." He was in fact superseded. General Scott had written to Washington to complain of disobedience of orders by General Jesup. This was as well known in the army as the disobedience had been, and of course came to the knowledge of General Jesup, if Scott did not in person communicate it to him. General Jesup wrote also to Washington; not, however, to the secretary, but to Mr. Blair, the well-known editor of the *Globe*, in which, after stating substantially that he considered Scott's course ruinous

to the best interests of the United States, he requested that the letter might be shown to the president. There were also some minor matters referred to, which showed conclusively that the letter was never intended to be made public. The letter was shown to the president, who retained it, and subsequently sent it to the war department, with an order that General Scott should be recalled, and an inquiry be had into the delay in prosecuting the Creek war, and the failure of the Florida campaign.

Scott at once proceeded to Washington and demanded a court of inquiry. Instead of finding a criminal, the administration had called up an accuser. The court was ordered, with General Macomb as its president, Generals Brady and Atkinson as members,—to assemble at Frederick, in Maryland, an out-of-the-way place, which enabled the government to direct the prosecution, yet it was thought would prevent the mass of the people from being cognizant of what was going on.

It may be mentioned here, that a fundamental rule of military law was violated. It is a principle that the officer who prefers a charge, shall not order the court to investigate or try an officer charged with it. The executive was in this case the prosecutor; and if investigation were needed, it should have been made by the authority of a higher power, the representatives of the people and states. This violation of military etiquette, if not of law, was, however, ineffective, from the character of the three brave men who were to investigate the charges.

After a long and elaborate inquiry, which Scott insisted on, the minute examination of many witnesses, and the reading of an elaborate defence by General Scott, the court pronounced the Seminole campaign to be well devised, and to have been ably, steadily, and

prudently prosecuted." The Creek war, as prosecuted by Major-General Scott, was well calculated to lead to successful results, and was prosecuted by him with ability *until he was recalled*.

Scott's defence was eloquent, and in its style a model. It has previously been published at length, and therefore only its most striking portions need be repeated. He began as follows:

" Mr. President, and Gentlemen of the Court :

When a Doge of Genoa, for some imaginary offence imputed by Louis 14th, was torn from his government and compelled to visit France, in order to debase himself before that inflated monarch, he was asked, in the palace, what struck him with the greatest wonder amid the blaze of magnificence in his view. 'To find *myself* here!' was the reply of the indignant Lescaro. And so, Mr. President, unable, as I am, to remember one blunder in my recent operations, or a single duty neglected, I may say, that to find myself in the presence of this honorable court, while the army I but recently commanded is still in pursuit of the enemy, fills me with equal grief and astonishment.

And whence this great and humiliating transition? It is, sir, by the fiat of one, who, from his exalted station, and yet more from his unequalled popularity, has never, with his high displeasure, struck a functionary of this government, no matter what the office of the individual, humble or elevated, who was not from the moment withered in the general confidence of the American people. Yes, sir, it is my misfortune to lie under the displeasure of that most distinguished personage. The president of the United States has said, 'Let General Scott be recalled from the command of the army

in the field, and submit his conduct in the Seminole and Creek campaigns to a court for investigation.' And lo! I stand here to vindicate that conduct, which must again be judged in the last resort, by him who first condemned it without trial or inquiry. Be it so. I shall not supplicate this court, nor the authority that has to review the 'opinion' here given. On the contrary, I shall proceed at once to challenge your justice to render me that honorable discharge from all blame or censure which the recorded evidence imperiously demands."

His collation of evidence, his arrangement of incidents, and the graphic description of the country and the occurrences of his campaign, demonstrated that he had thoroughly studied and not yet forgotten his old profession, and that he who could thus eloquently speak in his own defence would have been a mighty advocate for another. He closed thus:

"Mr. President, and Gentlemen of the Court: I am exhausted, but should do equal wrong to justice and to my own feelings, not to return to each and every one of you my hearty thanks for the patience and impartiality you have all shown, including the judge-advocate, in this long investigation.

Every material fact which has been given in evidence that could by mere possibility affect your judgments to my prejudice, and I recollect but few of that character, will be found carefully embodied, or specifically referred to in this summary. Much, I know, has been wholly omitted on the other side. These declarations, I am confident, no examinations will be able to controvert; and here I may add, that there is not an important circumstance in all my recent conduct in the field, which was not duly reported at the earliest mo-

ment, and with my own hand, for the information of government. With, then, this overwhelming mass of evidence in my favor, permit me again to ask, by what strange fatality do I find myself here? It is for this court, with the approbation of the president of the United States, to bid me *depart with honor*; and that that decision may be without the further alloy of suspense, in which I have now but too long been held, under circumstances which, perhaps, could not have been controlled, I will ask that *it be speedily rendered*."

The finding of the court was altogether in support of Scott. The charge recoiled on those who advanced it, and the occurrence in subsequent discussions in congress was used as a lash on those who had sought to rend thus rudely the laurels from the brow, made historical at Lundy's Lane and Chippewa. The court thus expressed itself:

"The court, after a careful review of the great mass of testimony taken in the foregoing investigation (the Florida campaign), finds that Major-General Scott was amply clothed with authority to create the means of prosecuting the Seminole war to a successful issue; but is of opinion that, at the time he was invested with the command, the season was too far advanced for him to collect, appoint, and put in motion his forces, until a day too late to accomplish the object. It appears that, after using great diligence and energy, he was not in a condition to take the field and enter the enemy's strongholds before the 28th of March, and then without sufficient means for transporting the necessary supplies to enable him to remain there long enough to seek out the scattered forces of the enemy.

The court, therefore, ascribe the failure of the campaign to the want of time to operate, the insalubrity of

the climate after the middle of April, the impervious swamps and hammocks that abound in the country then occupied by the enemy, affording him cover and retreat at every step, and absence of all knowledge, by the general or any part of his forces, of the topography of the country, together with the difficulty of obtaining, in time, the means of transporting supplies for the army.

The court is further of opinion, from the testimony of many officers of rank and intelligence who served in the campaign, that Major-General Scott was zealous and indefatigable in the discharge of his duties, and that his plan of campaign was well devised, and prosecuted with energy, steadiness, and ability."

On the charge of delay in opening and prosecuting the Creek campaign, the finding of the court was also clear and satisfactory :

"Upon a careful examination of the abundant testimony taken in the foregoing case, the court is of opinion that no delay, which it was practicable to have avoided, was made by Major-General Scott in opening the campaign against the Creek Indians. On the contrary, it appears that he took the earliest measures to provide arms, munitions, and provisions for his forces, who were found almost wholly destitute; and as soon as arms could be put into the hands of the volunteers, they were, in succession, detached and placed in positions to prevent the enemy from retiring upon Florida, whence they could move against the main body of the enemy, as soon as equipped for offensive operations.

From the testimony of the governor of Georgia, of Major-General Sanford, commander of the Georgia volunteers, and many other witnesses of high rank and standing, who were acquainted with the topography of the country, and the position and strength of the enemy,

the court is of opinion that the plan of campaign adopted by General Scott was well calculated to lead to successful results, and that it was prosecuted by him, as far as practicable, with zeal and ability, until recalled from the command."

The "sober second-thought" of the nation has since done justice to Scott; and the prolixity of the Florida war has by it been attributed to the fact that a *Camerilla*, without military knowledge, a thousand miles from the scene of operations, dared to prescribe plans to, and to supersede a tried and tested soldier.

Mr. Van Buren had, on the 4th of March, become president of the United States, and approved the proceedings and finding of the court, which was held in January and February, 1837; and the people of various sections of the country offered to General Scott the most gratifying testimonials of approbation. The people of the city of New York, of Elizabethtown, New Jersey (where General Scott had long been stationed), and of Richmond, Virginia, his home, offered him public dinners; all of which he declined.

General Scott then addressed a letter to Mr. Poinsett, claiming the command as a right, inasmuch as nearly all the troops of his division were employed there, and on the ground that he was the senior of General Jesup. The senators and members of congress from Virginia, of which state both General Jesup and himself were citizens, urged that the command should be conferred on him. So strong was public opinion throughout the Union, on the subject, that the Richmond Enquirer, then as now a devoted advocate of the administration, urged the propriety of this course. The president and cabinet did not, however, do so, retaining control of a mere border war, which should have been permitted to

exclusively under the control of the commander of the army. A fairer or more appropriate opportunity to refer to a disposition, some time since, to away the duties of the senior officer of the army, cannot be found than the present. Though it be undeniable that the president is commander-in-chief of the army, it is to be understood that he is so in a technical sense, to sign commissions, &c., and that the founders of the government never meditated that he would interfere in the details of command. It would have been as appropriate for the cabinet to have posted a sentinel on the picket of Fort Fanning, or detail a corporal's guard to escort a subaltern from Wakassassa to Wahahoutie, as it was to dictate to General Macomb which of his juniors he should send to Florida. The interference of the delegations from Virginia, New Jersey, and New York, can only be justified on the ground that they sought to correct what the nation has since pronounced as an act of injustice to a brave soldier.

Scott had no further connexion with the Florida war. Even if we admit that his conduct failed, the circumstances affect his reputation no more than would the fact that in a personal contest he were overcome by a more wily and active, though less muscular, opponent. Giants are not to be measured with pigmies, but in comparison with adversaries worthy of them.

CHAPTER X.

Disturbances in Canada—Sympathizers—Burning of the Caroline—The Barcelona—Maine boundary—Scott proceeds to the Maine frontier—Official documents—Scott succeeds to the chief command of the army.

IN 1814 General Scott left Canada, wounded, but a conqueror rich in the possession of the esteem and regard of his countrymen. Years had since passed; he had, if possible, matured his judgment and increased his reputation among his countrymen. The same administration which but a few months before had refused to permit him to return to Florida, after a long council ordered him northward, on the 4th of January, 1838.

In the year 1837, Canada became much excited by political discussions. The lower province, as that part nearest the mouth of the St. Lawrence is called, and which was the seat of the original French population, broke out in aagrant rebellion, with which a portion of the upper province sympathized. The population on the northern boundary of Vermont, New York, Ohio, and Michigan entered deeply into the feelings of the Canadians; so that when things reached a crisis, no imaginary line drawn in the centre of a lake, over the bosom of which steamboats were constantly plying, could restrain the population on either side of it. The days had gone when a Burgundian knight would pass the pennon which separated the great duchy from France; and it may be

doubted if any feeling of chivalry, or the command of any king or duke, would ever have restrained the impetuous and impulsive American from going anywhere he pleased.

Some have stated that one-fourth of the population along the frontier were enrolled as sympathizers. This is probably an exaggeration ; but whether it be or not, one thing is certain, the Canadian rebels, insurgents, traitors, or pirates, as the British government may please to call them, had many affiliated societies in the United States, the members of which were numerous enough to be able to affect in no slight degree the security of the British power in North America.

The fact is, this power is as insecure as possible. The great Lord Coke, two or three centuries since, stated that *corporations* have no souls, and cannot therefore be impleaded in chancery, which affects only the conscience. Corporations have other soulless qualities, not the least inhuman of which is the certainty that the power which created them has no reason to expect they will maintain allegiance longer than interest dictates. The true controlling power of Canada, therefore, is the British Hudson's Bay Company, which will turn any way that its interest shall dictate. The people of Canada knew this. Men who have left a country voluntarily, rarely have any deep love to it ; otherwise they would sooner be crushed, like the old Greek priest, by the falling temple than be saved by flying from its ruins. The question therefore on one side of the lakes was based on nationality and interest, on the other by the enthusiasm of a love of liberty and the feeling so peculiarly American, that people should obey law, not because it is right or wrong, but because it is law.

Great Britain, at this crisis, reinforced her garrisons

and appealed to the feeling of loyalty. 'This was useless, because those who could be thus influenced would not revolt. The president also caused to be reinforced the garrisons of the United States, and appealed to the popular love of law to induce the frontier-men to remain neutral. This also, was useless, for those who would violate neutrality would not care for the president's proclamation. Each power should have strewn troops along its whole frontier, if it wished to prevent an outbreak: the British, to keep back the sympathizers; the American, to restrain the people, if such was its wish or interest. The people of the United States are all armed; and even the muskets which belonged to the state were surreptitiously taken to afford arms to the cause. After some time spent in preparation, a person named Van Rensselaer, at the head of some hundred men, crossed the river from Schlosser, a village a few miles above the Falls, and took possession of Navy Island, belonging to Canada, but near our shore. It is difficult to say what were the motives of this enterprise, unless it was intended by the patriots as a throwing down of the gauntlet, and a signal for action by the numerous associations affiliated with the *patriots* throughout Canada. The impression prevails, that besides the regular troops, the British government could depend on the mass of the permanently embodied militia, which were generally commanded by officers of the army.

Between Schlosser and Navy Island, a small steam-boat, called the *Caroline*, was employed to run by Van Rensselaer; against which, after she had been thus employed but a few hours, the British fitted out an expedition under the command of a captain of the royal navy, which proceeded at night and burned the boat while secured to the wharf at Schlosser. On board this boat were no

patriots, but merely a few idle people. In the contest one person was killed and one or two wounded. The boat was then cut loose and run over the falls, with several wounded men, it has been said, and was believed, in her. This outrage excited the whole American people, and made what the patriots most desired, their cause popular among people of the better classes along the whole line. This occurred December 29th, 1837, and was reported at Washington, January 4th, 1838. A council was immediately held, and General Scott was instructed to proceed to the scene of his old glory and assume the command of the American forces.

At this time there was no garrison on the whole frontier nearer than Detroit, whence it could not be spared; and Scott was therefore alone. He had, however, received full powers to call for militia and volunteers, to require the assistance of marshals and custom-house officers, and had ample authority to act should neutrality be again infringed upon. On his route from Philadelphia, New York, and Albany, he had gotten possession of a force of unattached recruits, and from the latter place was attended by Governor Marcy, (now secretary of war.)

By addresses and personal exertions along the whole frontier, General Scott succeeded, to a great degree, in allaying the excitement. He persuaded the people to trust the settlement of the Caroline affair to the national government, and not to interfere between Great Britain and her colonies. An affair afterwards occurred, however, which was more threatening than this; in which Scott was a conspicuous actor.

In January, 1838, a steamboat, called the *Barcelona*, was cut out of the ice in Buffalo, it was known, for the use of the patriots, and immediately started for New

Island. This, General Scott sought to prevent; and, accordingly, had taken steps to have the boat seized by civil process, the instant any overt act, which would justify such a course, should be committed within the waters of the United States. He determined, however, on another course, and immediately hired the boat, by an agent, for the use of the United States, and sent her back to Buffalo, intending to employ her on Lake Erie. The Canadian authorities, who were aware that the patriots *had* employed the Barcelona, lay in wait to destroy her, with three armed schooners and land batteries, as she passed from the channel between Grand Island, within the state of New York, and the main shore. General Scott and the governor stood watching the event. The boat was just visible, and the British were evidently awaiting the result. The battery on the American shores was pointed on the British vessels and guns, and the bombardiers, with burning portfires, stood ready for action.

This was on the 16th of January. Scott, to an English officer who chanced to be on the American side, then repeated the statement contained in the following note, written the day before :

*“To the Commanding Officer of the armed British vessels
in the Niagara.*

Head-Quarters, Eastern Division U. S. Army, }
two miles below Black Rock, January 15th, 1838. }

SIR : With his excellency the governor of New York, who has troops at hand, we are here to enforce the neutrality of the United States, and to protect our own soil or waters from violation. The proper civil officers are also present, to arrest, if practicable, the leaders of the expedition on foot against Upper Canada.

Under these circumstances, it gives me pain to perceive the armed vessels mentioned anchored in our waters, with the positive intention to fire upon that position moving in the same waters.

Unless the expedition should first attack,—in which case we shall interfere,—we shall be obliged to consider a discharge of shot or shell from or into our waters, from the armed schooners of her majesty, as an act seriously compromising the neutrality of the two nations. I hope, therefore, that no such unpleasant incident will occur.

I have the honor to remain, &c. &c.,

WINFIELD SCOTT."

The troops on duty were militia, called out by the governor, but which had not as yet been mustered into the service of the United States. The officer returned, the boat passed up along the British vessels, which did not fire. On the previous day, the patriots landed on the American shore, where Van Rensselaer and a few of the prominent men were immediately arrested by the civil authorities. This ended Scott's services on this occasion. The people of the country did honor to him for his services, and he retired to his permanent headquarters. There, however, he was not permitted to remain long; almost immediately being despatched to another scene,—the Cherokee nation.

Before treating of this, however, it may not be inappropriate to refer to the events which occurred in the subsequent year, 1839, in relation to the boundary of Maine so far as General Scott was connected with it.

The occurrences in the vicinity of the Falls made a great impression on the popular mind in the United States, and a strong disposition to take offence extended

from the Atlantic coast to the frontier of the west. About Detroit the high personal character of General Brady, and on Lake Erie the great exertions of General Worth, effected the maintenance of peace; but in each instance it was with difficulty. There was another source of difficulty which was not dissimilar in character.

The boundary between the British province of New Brunswick and the state of Maine had never been precisely adjusted. The line defined by the treaty was purely geographical, and had been agreed on at a time when the geography and character of the region were but little understood. Each authority claimed for itself an extent which its next-door neighbor was not disposed to allow, and which acquired more importance from the fact, that if the American claim were allowed, the British authorities would lose exclusive control of streams to which they attached much importance; and if the British claim were sustained, the people of Maine would be excluded entirely from a region, in which they were carrying on, even while it was a "debateable land," a most profitable business. This trade was the nucleus of the affair, and to secure at least present possession of it, large parties both from Maine and New Brunswick took the field. Every woodman in America travels not with the axe alone, but with the rifle; and this circumstance, which has made the Royal Americans one of the best regiments in the English service, also prepared thousands of men not less calculated to meet them, in the American republic. General Scott, who had returned to his head-quarters, heard of the state of things; and, aware that there must be collision unless the government interfered, proceeded at once to Washington. He arrived a day and a half in advance of the mail.

THE GENERAL-IN-CHIEF—SCOTT.

The crisis was indeed imminent, and politicians foresaw a general war as a consequence of collision between the two great representatives of the Anglo-Saxon race. The president, Mr. Van Buren, prudent and wary as he was, felt constrained to inform congress that he foresaw the possibility of an invasion of the territory of the United States, and stated that under such circumstances he would call out the militia to repel the invaders. Congress for once acted promptly, and within five days authorized the president to call out the militia and to accept the services of fifty thousand volunteers; it also made an appropriation of ten millions of dollars. The bills authorizing the levy of these men and the appropriation of money, it is well understood were drawn by General Scott. Within eight days after he had reported himself at Washington, he was at the capital of Maine; on his passage through Boston, he received gratifying testimonials of the state of feeling towards him in New England, to which he replied in the manner he is always able to adopt, so as to adapt matter to the occasion.

General Scott proceeded to the Maine frontier in obedience to orders emanating directly from the president. The government of the United States had no other high official on this frontier. The newspapers of the day teemed with accounts of General Scott's movements and exertions. The press of Great Britain, the only representative of the people of that empire, which certainly had no occasion to love one who had defeated its chosen generals on many battle-fields, was filled with his praises. The president of the United States, in his annual message in 1839, the secretaries of war and state, said nothing of General Scott's distinguished services. The people of this nation, however, think for themselves; and it is not, therefore, so much a duty on us as a mat-

ter of choice, to refer to what General Scott did on this occasion.

In the winter of 1838-39, the state of Maine sent an agent to the territory in dispute, to drive from it certain persons who it was said were destroying timber and injuring the intrinsic value of the lands. Some difficulty having been anticipated, the land agent was accompanied with a civil *posse* to enforce his authority. The British officials, however, seized and imprisoned, not only the agent, but the posse, on a charge of infringing on British sovereignty. The people of Maine became much enraged at this circumstance. A long correspondence ensued, which led to no beneficial results.

The British authorities soon released their prisoners ; a circumstance, however, which did not by any means satisfy the people of Maine. The legislature of this state appropriated eight hundred thousand dollars, and placed eight thousand volunteers under control of the governor, to enable him to sustain the state in the course it had adopted. A large portion of these troops were raised, or rather, immediately took the field ; and there is not the slightest doubt that they would, if unmolested, not only have taken possession of the disputed territory, but have conquered all New Brunswick. Sir John Harvey, the British governor, had taken steps in opposition. The British troops were marching to the scene of difficulty ; and it became obvious that unless something unexpected intervened, there must be war.

Scott arrived at the capital of Maine on the 6th of March, 1839. Volunteer regiments and companies were rapidly being collected, and as he passed them all hailed him as the general who was to lead them to victory. On this occasion he came as a peace-maker.

Scott was emphatically the man for the crisis. During the war of 1812-13-14, Sir John Harvey and he had been the respective adjutants-general of the British and American forces on the Niagara, and had otherwise been brought together. Many courtesies had passed between them, and they knew how to approach each other. Both of them were soldiers, but neither loved war. They knew it to be a great evil, and wished to avoid it.

A correspondence was immediately instituted by General Scott, who had, in a short time, by his manly and soldier-like qualities, won the respect of the very distinguished governor of Maine (Fairfield), and of the legislature, then in session. Through his influence, intercourse between the two governors, previously interrupted, was renewed, and in a short time all difficulty was removed by a satisfactory and full settlement, which was approved of by the Maine legislature on the 20th of March, and subsequently by Sir John Harvey, the representative of the British crown.

This was of course subject to the decision afterwards made by the plenipotentiaries of both countries, Lord Ashburton and Mr. Webster.

A short time previously, Mr. Van Buren had sent to the senate the following message. At first it seemed calculated to remove all difficulty; but, on inspection, it appeared that the very clause of the memorandum it enclosed (by virtue of which Mr. Forsyth claimed the credit of peace-maker), which provided for the non-molestation of the forces of Maine, justified the presence of those of New Brunswick. This was the head and front of the whole affair.

It is, therefore, obvious enough that the true pacificator in this difficult matter was General Scott, who

thereby acquired fresh rights to the title already referred to as peculiarly his.

"WASHINGTON, February 27, 1839.

To the Senate of the United States :

I transmit to congress copies of various other documents received from the governor of Maine, relating to the dispute between that state and the province of New Brunswick, which formed the subject of my message of the 26th instant, and also a copy of a memorandum signed by the secretary of state of the United States and her Britannic majesty's envoy extraordinary and minister plenipotentiary near the United States, of the terms upon which it is believed all collision can be avoided on the frontier, consistently with and respecting the claims on either side. As the British minister acts without specific authority from his government, it will be observed that this memorandum has but the force of recommendation on the provincial authorities and on the government of the state.

M. VAN BUREN."

"MEMORANDUM.

Her majesty's authorities consider it to have been understood and agreed upon by the two governments, that the territory in dispute between Great Britain and the United States, on the northeastern frontier, should remain exclusively under British jurisdiction until the final settlement of the boundary question.

The United States government have not understood the above agreement in the same sense, but consider, on the contrary, that there has been no agreement whatever for the exercise, by Great Britain, of exclusive jurisdiction over the disputed territory, or any portion thereof, but a mutual understanding that, pending the negotia-

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the jurisdiction then exercised by either party over all portions of the territory in dispute, should not be enlarged, but be continued merely for the preservation of local tranquillity and the public property, both forbearing as far as practicable to exert any authority, and, when any should be exercised by either, placing upon the conduct of each other the most favorable construction.

A complete understanding upon the question, thus placed at issue, of present jurisdiction, can only be arrived at by friendly discussion between the governments of the United States and Great Britain; and as it is confidently hoped that there will be an early settlement of the question, this subordinate point of difference can be of but little moment.

In the mean time, the governor of the province of New Brunswick and the government of the state of Maine, will act as follows: Her majesty's officers will not seek to expel, by military force, the armed party which has been sent by Maine into the district bordering on the Aroostook river; but the government of Maine will, voluntarily, and without needless delay, withdraw beyond the bounds of the disputed territory any armed force now within them; and if future necessity should arise for dispersing notorious trespassers, or protecting public property from depredation by armed force, the operation shall be conducted by concert, jointly or separately, according to agreements between the governments of Maine and New Brunswick.

The civil officers in the service respectively of New Brunswick and Maine, who have been taken into custody by the opposite parties, shall be released.

Nothing in this memorandum shall be construed to fortify or to weaken, in any respect whatever, the claim

of either party to the ultimate possession of the disputed territory.

The minister plenipotentiary of her Britannic majesty having no specific authority to make any arrangement on the subject, the undersigned can only recommend, as they now earnestly do, to the governments of New Brunswick and Maine, to regulate their future proceedings according to the terms herein set forth, until the final settlement of the territorial dispute, or until the governments of the United States and Great Britain shall come to some definite conclusion on the subordinate point upon which they are now at issue.

JOHN FORSYTH, *Secretary of State*
of the United States of North America.

H. S. FOX, *H. B. M. Envoy*
Extraordinary and Minister Plenipotentiary.

WASHINGTON, February 27, 1839."

The following is the important correspondence between Sir John Harvey and General Scott. Chance has much to do in the affairs of nations, and figures in this denouement. When Scott reached the north he had in his possession an unanswered letter of Sir John's, received while he was on other duty, which enabled him to commence the correspondence, the results of which were so important. The following was the purely official part of this correspondence :

"Head-Quarters, Eastern Division U. S. Army, }
Augusta, Me., March 21, 1839. }

The undersigned, a major-general in the army of the United States, being specially charged with maintaining the peace and safety of their entire northern and eastern frontiers, having cause to apprehend a collision of arms between the proximate forces of New Brunswick

and the state of Maine on the *disputed territory*, which is claimed by both, has the honor, in the sincere desire of the United States to preserve the relations of peace and amity with Great Britain—relations which might be much endangered by such untoward collision—to invite from his excellency Major-General Sir John Harvey, lieutenant-governor, &c. &c., a general declaration to this effect:

That it is not the intention of the lieutenant-governor of her Britannic majesty's province of New Brunswick, under the expected renewal of negotiations between the cabinets of London and Washington on the subject of the said disputed territory, without renewed instructions to that effect from his government, to seek to take military possession of that territory, or to seek, by military force, to expel therefrom the armed civil *posse* or the troops of Maine.

Should the undersigned have the honor to be favored with such declaration or assurance, to be by him communicated to his excellency the governor of the state of Maine, the undersigned does not in the least doubt that he would be immediately and fully authorized by the governor of Maine to communicate to his excellency the lieutenant-governor of New Brunswick a corresponding pacific declaration to this effect:

That, in the hope of a speedy and satisfactory settlement, by negotiation, between the governments of the United States and Great Britain, of the principal or boundary question between the state of Maine and the province of New Brunswick, it is not the intention of the governor of Maine, without renewed instructions from the legislature of the state, to attempt to disturb by arms the said province in the possession of the *Mada-waska settlements*, or to attempt to interrupt the usual

communications between that province and her majesty's upper provinces; and that he is willing, in the meantime, to leave the questions of possession and jurisdiction as they at present stand,—that is, Great Britain holding, in fact, possession of a part of the said territory, and the government of Maine denying her right to such possession; and the state of Maine holding, in fact, possession of another portion of the same territory, to which her right is denied by Great Britain.

With this understanding the governor of Maine will, without unnecessary delay, withdraw the military force of the state from the said disputed territory; leaving only, under a land agent, a small civil *posse*, armed or unarmed, to protect the timber recently cut, and to prevent future depredations.

Reciprocal assurances of the foregoing friendly character having been, through the undersigned, interchanged, all danger of collision between the immediate parties to the controversy will be at once removed, and time allowed to the United States and Great Britain to settle amicably the great question of limits.

The undersigned has much pleasure in renewing to his excellency Major-General Sir John Harvey, the assurances of his ancient high consideration and respect.

WINFIELD SCOTT."

"The undersigned, Major-General Sir John Harvey, lieutenant-governor of her Britannic majesty's province of New Brunswick, having received a proposition from Major-General Winfield Scott, of the United States army, of which the foregoing is a copy, hereby, on his part, signifies his concurrence and acquiescence therein.

"Sir John Harvey renews with great pleasure to

Major-General Scott the assurances of his warmest personal consideration, regard, and respect.

J. HARVEY.

Government House, Frederickton,
New Brunswick, March 23, 1839." }

"Executive Department,
Augusta, March 25, 1839. }

The undersigned, governor of Maine, in consideration of the foregoing, the exigency for calling out the troops of Maine having ceased, has no hesitation in signifying his entire acquiescence in the proposition of Major-General Scott.

The undersigned has the honor to tender to Major-General Scott the assurance of his high respect and esteem.

JOHN FAIRFIELD."

Sir John added also a private letter which, however, has been published. This perilous crisis having been overcome, Scott again returned to his head-quarters. Thence, on the death of General Macomb, he was called to Washington to assume command of the army of the nation.

CHAPTER XI.

The Cherokees—Origin—Gold—Georgia and the Cherokees
—Scott's orders—His proclamation—Its good effects—His
promptness and humanity—Vaccination—Ross.

IN the interval between the disturbances on the Niagara frontier and in Maine, General Scott was called on to discharge a duty, which probably was more painful to him than any event which has occurred in all his public service. This was the removal of the Cherokees.

When the states of North and South Carolina and Georgia were colonized, the emigrants found almost on the shores of the Atlantic a large and powerful Indian race, which had already made much progress in the path of civilization, and the members of which called themselves *Chelloche*. In many respects they differed from the tribes around them, not the least of which was in the fact that they were fire-worshippers, looking on the sun as the great source of light, heat, and life, and worshipping it with a veneration which recalls the days of the old Magi. They acknowledged no kindred with any other people on the continent, and had many customs and habits, which could not be connected with those of any other race.

During the war of the revolution, by the policy of General Washington, they and the Chactas and Chickasas were kept in a state of neutrality, and the mass of the nation was rather friendly to the colonies than otherwise. That they were so is a matter of peculiar con-

gratulation; for none can doubt that if the many warriors of this powerful people and its allies had sided with the English, the fortune of war might have awarded a far different result to the great southern campaign, and history have recorded as much misfortune as it has prosperity for the whole war. The Indians began gradually to withdraw before the advance of civilization, and the Cherokees yielded up most of their domain to the whites. Repeated treaties, however, secured to them the ground which they inhabited and cultivated, and which occupied a portion of the present states of North Carolina, Tennessee, Georgia, and Alabama.

Within the last twenty-five years gold has been discovered in that portion of their country which is within the state of Georgia. The advance of civilization from the east, and the gradual settlement of Tennessee and Kentucky, had forced them no longer to depend on the chase, but to cultivate the soil. Their white neighbors were by no means the best specimens of their color, not a few of them being refugees, *et id omne genus*, bound to no home, nomads in disposition and Arabs in character. The Cherokees on the other hand loved their mountain homes, and dearly cherished the glassy streams and quiet valleys, in the midst of which the present generation had grown up. Restricted within their boundaries by the knowledge that elsewhere they would be looked upon and hunted as intruders, they had turned their attention to agriculture, and become in fact a pastoral people. Their whole country had become a western Arcadia, and their orchards and fields were far better cultivated than those of their neighbors, by whom they were greatly coveted.

The discovery of gold, however, excited the whole population of Georgia, which began to dream of the wealth of Peru and Mexico. Before, however this *el dorado* could

be seized upon, the Cherokees must obviously be removed. The supreme court of the United States, years before, had declared, by the lips of the great chief justice, what was the situation of the Cherokees. They had, according to his eloquent exposition, rights which could not be invaded by the United States or the separate states. They were as wards of the nation, under the pupillage of the president; and this sovereignty over their soil had been recognised by a hundred treaties with the ante-revolutionary governors of Virginia, Georgia, and the Carolinas, and the United States. As a nation, they had even protected the struggling colonies. These treaties distinctly called them a nation, and treated with them in all the forms of diplomatic intercourse. The Cherokees claimed that, if these rights had ever existed, they had not, and could not, lose them, and called on the government to protect them against an extension of the laws of Georgia over themselves and their country.

“In 1802, the United States formed a compact with Georgia,” says Mr. Mansfield, “that the general government would purchase the lands of the Indians, and remove them as soon as it could be peaceably accomplished.” Georgia was at that time even more sparsely populated than now, and had no disposition to extend her authority over the persons of a nation, the members of which were almost as numerous as her own citizens. The state, however, claimed that the United States was bound to extinguish the Cherokee title; why, or on what grounds, no man out of Georgia ever understood.

The Cherokees, on the other hand, maintained, that to a sale there must be two parties, the grantor and grantee; that if the United States were under obligations to purchase, they were not to sell; that the stipulations with Georgia contemplated a peaceable removal, and that to

employ the great force of the nation against them would be cowardly. They refused positively to sell. The government of the United States could not deny that the Cherokees had justice on their side, but yet hoped by time and negotiation to effect their removal. This was the crisis when the scheme of removing the Indians beyond the Mississippi originated. The pure and good man who originated this plan, seem to have had no motive other than the good of the nations of aborigines. It was likely, however, to be too profitable a job for the hosts of speculators not to be popular, and in a short time was the settled policy of the United States. A long controversy ensued, in the course of which the Indians of Georgia became much worried, and finally a kind of treaty was concluded with the Cherokee chief. The United States claimed that it was legal, though the great mass of the Cherokee people maintained that it had never been ratified by the competent authority. The facts were these: The Cherokees have several chiefs who are mere judges, and not competent to bind the people without their consent in general council. By means of bribes, flatteries, and cajolements, these chiefs had been induced to give their assent. The majority of the tribe, however, *positively* refused to approve of their action. The great republic of the United States, nevertheless, prepared to ratify the action of an oligarchy without authority, said the Cherokees, who, in their own affairs, must necessarily speak correctly. This treaty the United States resolved to enforce.

On the 10th of April, 1838, General Scott received orders to assume the command of the troops and direct the emigration. After a short consultation with the chief of the war department, he proceeded to Georgia. — blessed thing for the consciences and honor

of soldiers, that their duty is to obey. That the responsibility of enforcing this treaty no more rests on General Scott, than the charge of kidnapping rests on him who, having snatched a drowning man from the whirlpool, is forced by the current to a different landing from the one each would have adopted. This duty cannot but have been most ungrateful to Scott, who, grown up in a country where kindly feelings towards the Indians are universal, was now called on to act with more severity than his kind heart would have dictated. The condition of the Cherokees has been already referred to ; and to appreciate the cruelty of their fate, it must be remembered that the mass of the nation had long been civilized, and that its people were as well educated and as cultivated as the laboring classes of any state of the confederacy. Their grounds were better tilled, their herds were of better blood, their laws were better administered, than were those of many of the counties of Georgia which surrounded them. These people General Scott was called on to remove, and he had no discretion but to enforce his orders with a stern will, which also was the dictation of humanity.

The treaty thus attempted to be enforced, had been made in 1835, and required all the Cherokees on this side of the Mississippi to remove beyond it to a country set aside for them, between the Canadian river and the boundary of Arkansas. Many, at various intervals between the treaty and 1838, had emigrated ; but about fifteen thousand yet remained amid their mountain homes. These were the persons against whom General Scott was to act with five regiments of the army and any number of volunteers he might find necessary.

The following address to the Cherokee people has been reprinted several times in Europe, and has always

been commended, not less for its peculiar eloquence and almost poetic pathos, than for the deep statesman-like policy it manifests. It was circulated in handbills, both in English and Cherokee, and was of a character to penetrate at once the hearts of the people to whom it was directed.

“MAJOR-GENERAL SCOTT, of the United States Army, sends to the Cherokee people remaining in North Carolina, Georgia, Tennessee, and Alabama, this

ADDRESS.

Cherokees: The president of the United States has sent me, with a powerful army, to cause you, in obedience to the treaty of 1835, to join that part of your people who are already established in prosperity on the other side of the Mississippi. Unhappily, the two years which were allowed for the purpose, you have suffered to pass away without following, and without making any preparation to follow; and now, or by the time that this solemn address shall reach your distant settlements, the emigration must be commenced in haste, but, I hope, without disorder. I have no power, by granting a further delay, to correct the error that you have committed. The full moon of May is already on the wane; and before another shall have passed away, every Cherokee man, woman, and child, in those states, must be in motion to join their brethren in the far west.

My Friends: This is no sudden determination on the part of the president, whom you and I must now obey. By the treaty, the emigration was to have been completed on or before the 23d of this month; and the president has constantly kept you warned, during the

no years allowed, through all his officers and agents in his country, that the treaty would be enforced.

I am come to carry out that determination. My troops already occupy many positions in the country that you are to abandon, and thousands and thousands are approaching from every quarter, to render resistance and escape alike hopeless. All those troops, regular and militia, are your friends. Receive them and confide in them as such. Obey them when they tell you that you can remain no longer in this country. Soldiers are as kind-hearted as brave, and the desire of every one of us is to execute our painful duty in mercy. We are commanded by the president to act towards you in that spirit, and such is also the wish of the whole people of America.

Chiefs, head men, and warriors—will you then, by resistance, compel us to resort to arms? God forbid! Or will you, by flight, seek to hide yourselves in mountains and forests, and thus oblige us to hunt you down? Remember, that in pursuit, it may be impossible to avoid conflicts. The blood of the white man, or the blood of the red man, may be spilt; and if spilt, however accidentally, it may be impossible for the discreet and humane among you, or among us, to prevent a general war and carnage. Think of this, my Cherokee brethren! I am an old warrior, and have been present at many a scene of slaughter; but spare me, I beseech you, the horror of witnessing the destruction of the Cherokees.

Do not, I invite you, even wait for the close approach of the troops; but make such preparations for emigration as you can, and hasten to this place, to Ross's Landing, or to Gunter's Landing, where you will all be received with kindness by officers selected for the purpose. You will find food for all, and clothing for the destitute, at

either of those places, and thence at your ease, and comfort, be transported to your new homes according to the terms of the treaty. This is the address of a prior to warriors. May his entreaties be kindly received, and may the great God of both, prosper the Americans and Cherokees, and preserve them long in peaceful friendship with each other.

WINFIELD SCOTT

This address was accompanied by one to the people enjoining on them forbearance and humanity toward people bowed down by sufferings and misfortune.

Many bands at once came forward, and all do what would have done so, but for the fact that their political and intellectual chief Ross was at Washington, so that if not to avoid the emigration, to postpone it. General Scott was therefore compelled to use a mild force, but by a rapid extension of his troops surrounded the Georgia Indians. Between this time (May 26th) and the 15th of June all were collected, and the Georgia brigade was at once discharged. Mr. Mansfield estimates that by this rapid action in Georgia, and subsequent in other states, one million of dollars were saved to the United States. This sum may with more accuracy be extended to two million five hundred thousand dollars.

The Indians in the other states were collected by the 15th of July, and all the volunteers but a small company discharged. With the exception of a small number of three or four Indians in North Carolina, showing a sad necessity in consequence of an unprovoked attack on a party of United States troops, several of whom were killed, not one life was lost.

The orders General Scott had received extended to the collecting of the Cherokees only, and then to

over to civil agents. Several bands had already moved westward, but the march was interrupted by an unusually dry season, which induced the general on his responsibility to suspend the further progress. He did so, the chiefs of the nation signing a promise when the season became more propitious to produce all their people. This obligation they rigidly fulfilled. Three of the regiments of regular troops were then returned to the northern frontier and to the Canada lines, and two retained to protect the emigrants.

The Cherokees were distributed in vast camps near the Hiwassee and carefully attended to. Medical attendance, provisions, &c., were procured for them, and under General Scott's personal superintendence. The roads to the drinking-places were closed to them by guards. Aware of the havoc made by small-pox and varioloid among the Indians of the West, he managed to overcome their prejudices against vaccination, and to introduce it generally. The effect of this has already been experienced, those maladies having since decimated tribes which surround the new homes of the Cherokees, but spared that people.

General Scott was in the principal camp when the delegation of Ross returned from Washington, with orders from the president to transfer to him the charge of the emigration, the cost of which was to come from the five millions of dollars, secured them by the treaty of 1815, in addition to their new lands. General Scott then relinquished the control, after adjusting a difficulty between the chief and the people, as to what the former was to receive *per capita*, and when the month of October came, the march was resumed. General Scott followed them to Nashville, when the order to proceed

again to the northern frontier reached him. What occurred there, has already been recounted.

In this affair, General Scott again added to the justice of the appellation conferred on him, "The Pacifier."

CHAPTER XII.

General Scott spoken of for the presidency—Harrisburg convention—Promotion to the command of the army—Letter on slavery, to T. P. Atkinson, of Danville, Virginia—Enforcement of discipline.

IN the year 1839, General Scott was become one of the most conspicuous men of the nation, and was looked upon as one of the persons most likely to be supported by a great political party for the chief magistracy of the confederacy. Though a soldier, he did not consider himself, as was once by a portion of the Union sought to be maintained, disfranchized from the enjoyment of his civil rights; and therefore, although no partisan or demagogue, expressed his opinions on suitable occasions, boldly and distinctly. As to mere party questions, he has habitually said nothing, though all who are aware of his history must know that, from his long and frequent service, under the orders of each party, he must have been aware of almost all the abuses of power by either. At the great convention of the whigs, at Harrisburg, in 1839, he was a prominent candidate. His own wishes, however, were enlisted in favor of Mr. Clay; after him, for General Harrison. Under the influence of this feeling, he wrote several letters, the purport of which was, that his name should not be used, if there was a chance of the success of the nomination of either of the other two.

The result is now well known ; and none more cheerfully acquiesced in it than General Scott. General Harrison died, and was succeeded by Mr. Tyler, who, on the death of General Macomb, on the 25th of June, 1841, appointed General Scott to the command of the army.

When General Harrison died, public attention was again turned to General Scott as a candidate. Mr. Clay, however, was selected, and was defeated.

The following letter from General Scott, on the subject of slavery, is curious. It is a full exposition of his views on this momentous subject ; and shows a rare strength of mind, in not only abandoning the prejudices in which he was educated, but in avowing them contrary to the sentiments of the population of his native state,—still, amid all the changes of a soldier's life, the home of his choice.

‘WASHINGTON, February 9, 1843.

Dear Sir : I have been waiting for an evening's leisure to answer your letter before me, and, after an unreasonable delay, am at last obliged to reply in the midst of official occupations.

That I ever have been named in connexion with the presidency of the United States, has not, I can assure *you*, the son of an ancient neighbor and friend, been by any contrivance or desire of mine ; and certainly I shall never be in the field for that high office unless placed there *by a regular nomination*. Not, then, being a candidate, and seeing no near prospect of being *made* one, I ought, perhaps, to decline troubling you or others with my humble opinions on great principles of state rights and federal administration ; but as I cannot plead ignorance of the partiality of a few friends in several parts of the Union, who may, by possibility, in a certain event, succeed in bringing me within the field from which a

whig candidate is to be selected, I prefer to err on the side of frankness and candor, rather than, by silence, to allow any stranger unwittingly to commit himself to my support.

Your inquiries open the whole question of domestic slavery, which has, in different forms, for a number of years, agitated congress and the country.

Premising that you are the first person who has interrogated me on the subject, I give you the basis of what *would* be my reply in greater detail, if time allowed and the contingency alluded to above were less remote.

In boyhood, at William and Mary college, and in common with most, if not all my companions, I became deeply impressed with the views given by Mr. Jefferson, in his 'Notes on Virginia,' and by Judge Tucker, in the Appendix to his edition of Blackstone's Commentaries, in favor of a gradual emancipation of slaves. That appendix I have not seen in thirty odd years, and in the same period have read scarcely anything on the subject; but my early impressions are fresh and unchanged. Hence, if I had had the honor of a seat in the Virginia legislature in the winter of 1831-32, when a bill was brought forward to carry out those views, I should certainly have given it my hearty support.

I suppose I scarcely need say that; in my opinion, congress has no color of authority, under the constitution, for touching the relation of master and slave within a state.

I hold the opposite opinion in respect to the District of Columbia. Here, with the consent of the owners, or on the payment of 'just compensation,' congress may legislate at its discretion. But my conviction is equally strong that, unless it be step by step with the legislatures of Virginia and Maryland, it would be dangerous to both

THE AMERICAN SLAVER

THE AMERICAN SLAVER

THE AMERICAN SLAVER

It is gratifying to know that general melioration has been great, and is still progressive, notwithstanding the disturbing causes alluded to above. The more direct process of emancipation may, no doubt, be earlier commenced and quickened in some communities than in others. Each, I do not question, has the right to judge for itself, both as to time and means, and I consider interference or aid from without, except on invitation from authority within, to be as hurtful to the sure progress of melioration, as it may be fatal to the lives of vast multitudes of all ages, sexes, and colors. The work of

liberating cannot be *forced* without such horrid results. Christian philanthropy is ever mild and considerate. Hence all violence ought to be deprecated by the friends of religion and humanity. Their persuasions cannot fail at the right time to free the master from the slave, and the slave from the master ; perhaps before the latter shall have found out and acknowledged that the relation between the parties had long been mutually prejudicial to their worldly interests.

There is no evil without, in the order of Providence, some compensating benefit. The bleeding African was torn from his savage home by his ferocious neighbors, sold into slavery, and cast upon this continent. Here, in the mild south, the race has wonderfully multiplied, compared with anything ever known in barbarous life. The descendants of a few thousands have become many millions ; and all, from the first, made acquainted with the arts of civilization, and, above all, brought under the light of the Gospel.

From the promise made to Abraham, some two thousand years had elapsed before the advent of our Saviour, and the Israelites, the chosen people of God, were, for wise purposes, suffered to remain in bondage longer than Africans have been on our shore. This race has already experienced the resulting compensations alluded to ; and, as the white missionary has never been able to penetrate the dark regions of Africa, or to establish himself in its interior, it may be within the scheme of Providence that the great work of spreading the Gospel over that vast continent, with all the arts and comforts of civilization, is to be finally accomplished by the black man restored from American bondage. A foothold there has already been gained for him, and in such a scheme centuries are but as seconds to Him who moves worlds as man moves a finger.

I do but suggest the remedies and consolations of slavery, to inspire patience, hope, and charity on its sides. The mighty subject calls for the exercise of a man's wisdom and virtue, and these may not arise without aid from a higher source.

It is in the foregoing manner, my dear sir, that I have long been in the habit, in conversation, of expressing myself, all over our common country, on the question of negro slavery, and I must say that I have found but very few persons to differ with me, however opposite their geographical positions.

Such are the views or opinions which you ask. I cannot suppress or mutilate them, although now little to be more generally known. Do with them what you please. I neither court nor shun publicity.

I remain, very truly, yours,

WINFIELD SCOTT.

T. P. ATKINSON, Esq., Danville, Virginia."

A period of tranquillity ensued, after the removal of the Cherokees, uninterrupted, except by the Maine disturbances of 1839, until the Mexican war began. During this time, General Scott assiduously attended to the duties of his post, and virtually remodelled the army. The mass of the officers were humane, and not disposed to oppress their men, but rather to protect them. In so large a body, however, there were a few who required to be taught that they dared not. This Scott did by his orders, in relation to personal violence extended in certain regiments towards the men. His orders on this subject are models; and contribute not less to a demonstration of his knowledge of the true theory of discipline, than to proof of the justness and kindness of his heart.

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THE war with Mexico has, it is believed, been long inevitable; and the government of the United States had, on the frontier of Texas, established an army of observation, with reference to the contingencies which subsequently took place. When the war actually began, Major-General Scott was most anxious to assume the command, and applied for it distinctly, on more than one occasion. A correspondence ensued, in the course of which the secretary of war was pleased to construe into an affront, a letter written by General Scott obviously without intending to be discourteous. If General Scott had wished to express himself plainly to the secretary, none who know him can doubt that he would have done so at all risks. It must be remembered that the secretary is the head of the department of war, with control over the civil affairs of that department and of the bureau of Indian affairs. He has no military connexion with the army, being without rank, and therefore protected by no precedence with the command of the army. Though military officers are bound to respect him *in his sphere*, he has no authority over them, except when he acts by command of the president. To avoid the obvious difficulty of the command being deposited in the hands of a civilian, the office of general-in-chief

was created, and conferred on General Brown, the senior officer, because he was so. No one can pretend that the secretary can assume command of even a single company. If so, a major-general can be guilty of no insubordination towards him.

If such a thing were possible,—if a general were guilty of insubordination, he should be tried. There certainly must be somewhere authority to convene a tribunal competent to try even the senior general of the service. The department did not choose to do this; it retained him at Washington; and the thousand venial souls of the nation were encouraged to seek for favor by jeers hurled against him who had breasted the iron hail of many a battle-field, and served his country in many an emergency, with the head, heart, and hand.

The circumstances of this case were as follows: each item of which is proved by documentary evidence.

Immediately on the advance of the Mexican army being known at Washington, General Scott applied for the command of the forces to operate against it. It will be remembered that at that time General Taylor, high as his rank has since become, was, by the most liberal construction of the rights conferred by his commission, entitled only to the command of two regiments. The government proposed to send to Texas at least eight, four times the command of a brigadier. Scott had a right to the command; no one else except General Gaines had any pretext for claiming it. There was no disposition to displace General Taylor, whom General Scott highly esteemed.

He wished to allow General Taylor to win all the glory he knew he could and would, and did not wish to meet the Mexican generals except at the head of such an army as his rank entitled him to. He therefore sug-

ested to the secretary of war, with whom he had been previously associated, to be permitted during the summer to arrange a *plan* to prepare the volunteers for service, and then, at the head of the new army, join General Taylor's regulars, which, of course, he would command. This plan was not received as kindly as it was given, and the original order or intention was countermanded. It may here be stated that many military men think, that as commander-in-chief of the army and responsible for the operations of the whole, General Scott could, at any time, of his own will, have assumed command of General Taylor's, or any other army, without exceeding his lawful authority.

Under the influence of this injustice, he wrote to the president a frank, free, but respectful letter, stating his opinions of the proper mode of conducting the war, and stating in relation to himself, the following opinions, each of which is undeniably true.

“Not an advantageous step can be taken in a forward march without the confidence that all is well behind. If insecure in that quarter, no general can put his whole heart and mind into the ~~work~~ to be done in front. I am, therefore, not a little alarmed, nay, crippled in my energies, by the knowledge of the impatience in question, and I beg to say, I fear no other danger.

My intentions have been, after making all preliminary arrangements here, to pass down the Ohio and Mississippi, to see, or to assure myself by correspondence, that the volunteers, on whom we are mostly to rely in the prosecution of the existing war, are rapidly assembling for the service; to learn the probable time of their readiness to advance upon Mexico; to ascertain if their supplies of every kind are in place, or are likely to be in place in sufficient time; to hasten one and the

front of the enemy, should be made a
 al, General Scott was assigned to com-
 matter there are two currents: Mr. Polk
 f acting fairly and honorably towards a
 nation, second only to himself, but was
 derlings and intriguers.

ment determined to attempt the capture
 nd the castle of Ulloa; and, after care-
 the merits of all officers of rank (it may be
 ntimated above), confided this command
) whom, in all its times of difficulty, for
 quarter of a century, the nation has
 g the brilliant events of the war on the
 eneral Scott had been in Washington;
 nactive. Though in name and in fact
 highest place on the army list, he had
 gently to prepare *materiel* and *personnel*
 at the head of which, men who were
 alterns when he occupied almost as high
 s now, had won fame and glory. Tay-
 Kearney, each had felt the benefit of his
 hile he and the gallant old Gaines were
 ctivity. At last, he received the follow-

“WAR DEPARTMENT, WASHINGTON, }
 November 23, 1846. }

resident, several days since, communi-
 to you his orders to repair to Mexico, to
 id of the forces there assembled, and par-
 nize and set on foot an expedition to
 Gulf coast, if, on arriving at the theatre
 hall deem it to be practicable. It is not
 ntrol your operations by definite and

positive instructions, but you are left to prosecute them as your judgment, under a full view of all the circumstances, shall dictate. The work is before you, and the means provided, or to be provided, for accomplishing it, are committed to you, in the full confidence that you will use them to the best advantage.

The objects which it is desirable to obtain have been indicated; and it is hoped that you will have the requisite force to accomplish them.

Of this you must be the judge, when preparations are made, and the time for action arrived.

Very respectfully, your obedient servant,
W. L. MARCY,
Secretary of War.

General WINFIELD SCOTT."

This order General Scott obeyed with his habitual promptness, leaving Washington on the 24th of November, and sailing from New York on the 30th. Within one month he was at Matamoras and assumed command of the whole army in Mexico by virtue of his commission. After all that had been said and done, all the comments of a few interested journals, he saw at a glance that the force collected there was altogether inadequate even for the investment of Vera Cruz and its dependencies, probably, next to Gibraltar, the strongest place in the world. Such stress had been laid on the capture of this strong place, that to fail in it would have been at once to sacrifice all the advantages previously acquired. It was not only necessary in a positive sense, to enable the government to control the intercourse between Mexico and Europe, but to give the lie to jeers which had been frequently uttered on both sides of the Atlantic.

The first act of General Scott was therefore to collect

all the regulars which could be spared by General Taylor, with confidence that the troops, then reported as being on the march, would certainly replace them. He therefore withdrew from Saltillo, General Taylor's headquarters, Worth's brigade, numbering about six hundred men, but troops second to none in the world, and commanded by officers, each of whom, from the general to the junior subaltern, knew his duty.

All the troops from the Rio Grande, except the stated garrisons, were then put in motion towards Vera Cruz, and ordered to rendezvous at the island of Lobos, about forty leagues (Sp.) northward of the object of his expedition. This is a small barren island, but a mile in circumference, and scarcely affording a resting-place for the troops soon collected there. On the 15th of February there were collected, however, in good order and health, one regiment of volunteers from South Carolina, ten companies of the two regiments from Pennsylvania, one regiment from North Carolina, one from New York, and nine companies from Louisiana and Mississippi. Besides these, there were four hundred regulars commanded by Colonel Gates. A large naval force was also awaiting the concentration of Scott's army, under the command of Commodore David S. Conner.

Unforeseen delays ensued, so that on the 7th of March only, General Scott was able to concentrate his whole army, amounting to twelve thousand men of all arms.

It was admirably equipped with all the engines and *materiel* necessary to attack, with success, so strong a place as Vera Cruz. The whole force was embarked in a fleet of transports and a convoy, amounting together to nearly one hundred keels, and proceeded to Cape Antonio Lizardo. After a careful reconnoissance with

Commodore Conner, it was determined to disembark at the beach west of the island of Sacrificios.

Commodore Conner conducted in person the disembarkation, which was made on the 9th of March; and rarely has this delicate piece of duty been more skillfully managed. The anchorage on the beach was narrow and contracted; and, to avoid crowding it with many vessels, he recommended that the troops should be transferred from the steamboats and other vessels to the ships of war. All preparations relative to assigning men and officers to the separate boats, had been previously made; and, at eleven, A. M., the frigates, with a few transports selected for the purpose, got under way.

The general-in-chief was on board the steamboat Massachusetts. The weather was peculiarly favorable; the wind was from the southeast, and the sea smooth and glassy, and the vessels dropped from Sacrificios to the beach selected (about three hours' sail), without difficulty or obstacle, and anchored, each precisely on the spot indicated for them severally. The steamers of light draught and a few gunboats were then ordered to align themselves as close as possible to the surf, to cover the landing. The boats then received their quotas of troops, and formed one continuous line. When all was ready, a signal-gun was fired from the vessel on board of which General Scott was, and, with a cheer, the long line gave way for the shore. Immediately before sunset, Major-General Worth landed with his brigade, the *corps d'élite* of the service. It was composed of the 2d and 3d artillery, the 4th, 5th, 6th, and 8th infantry; to which were attached Williams' company of Kentucky, and Blanchard's, of Louisiana volunteers; the first to the 6th, and second to the 5th infantry.

The volunteer brigade followed next; and, finally,





DAVID CONNER,
Post Captain U. S. Navy.

Twiggs, with the reserve, composed of the 1st and 4th artillery, the riflemen, the 1st, 2d, 3d, and 7th infantry, were landed at daylight. On the 10th, the whole force was on shore, including the heavy artillery.

All lay on their arms that night, on a soil that, since the surrender of the castle and city of Vera Cruz by the Spaniards, had never been pressed by an invader's foot. Commodore Conner superintended the debarkation in person; and, when Worth's line pulled ashore, was seen in a boat of the smallest size, in the midst of the surf, directing the operation. This was the true service done by the navy, and the credit is due to Commodore Conner. Its success was unprecedented; all having been so directed that not one accident or mistake occurred, and not one life was lost.

On the morning of the 10th General Scott landed in person. He commanded a force of eleven thousand regulars of the army and volunteers. The officers and men of that veteran and gallant corps, the marines, having volunteered to serve on shore, were received by him with cheerfulness. They, under the command of Captain Calvin Edson, since dead, were attached temporarily to the 3d artillery. Mr. Kendall, of the New Orleans Picayune thus graphically describes the debarkation on the shore:

"A more stirring spectacle has probably never been witnessed in America. In the first line there were no less than seventy heavy surf-boats, containing nearly four thousand regulars, and all of them expected to meet an enemy before they struck the shore.

Notwithstanding this, every man was anxious to be first—they plunged into the water waist-deep as they reached the shore—the "stars and stripes" were instantly floating—a rush was made for the sand-hills, and





ETHAN ALLEN HITCHCOCK,
Lieutenant-Colonel 3d Infantry, Acting Inspector General.

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DAVID CONNER,
Post Captain U. S. Navy.

1. The whole garrison, or garrisons, to be surrendered to the arms of the United States, as prisoners of war, the 29th inst., at ten o'clock, A. M.; the garrisons to be permitted to march out with all the arms of war, and to lay down their arms to such officers as may be appointed by the general-in-chief of the United States armies, and at a point to be agreed upon by the commissioners.

2. Mexican officers shall preserve their arms and private effects, including horses and horse furniture, and to be allowed, regular and irregular officers, as also the rank and file, five days to retire to their respective homes, on parole, as hereinafter prescribed.

3. Coincident with the surrender, as stipulated in article 1, the Mexican flags of the various forts and stations shall be struck, saluted by their own batteries; and, immediately thereafter, Forts Santiago and Concepcion, and the castle of San Juan de Ulloa, occupied by the forces of the United States.

4. The rank and file of the regular portion of the prisoners to be disposed of after surrender and parole, as their general-in-chief may desire, and the irregular to be permitted to return to their homes. The officers, in respect to all arms and descriptions of force, giving the usual parole, that the said rank and file, as well as themselves, shall not serve again till duly exchanged.

5. All the *materiel* of war, and all public property of every description found in the city, the castle of San Juan de Ulloa and their dependencies, to belong to the United States; but the armament of the same (not injured or destroyed in the further prosecution of the actual war) may be considered as liable to be restored to Mexico by a definite treaty of peace.

6. The sick and wounded Mexicans to be allowed to remain in the city, with such medical officers and attendants, and officers of the army as may be necessary to their care and treatment.

7. Absolute protection is solemnly guaranteed to persons in the city, and property, and it is clearly understood that no private building or property is to be taken or used by the forces of the United States, without previous arrangement with the owners, and for a fair equivalent.

8. Absolute freedom of religious worship and ceremonies is solemnly guaranteed.

General Worth presided over the surrender, in full uniform, with all the pomp which so well becomes him. The Mexican eagle was struck at the appointed time, saluted by its own batteries, while the American forces stood calmly by in mute and dignified forbearance.

Then an American march was heard, the various bands struck up the national airs, and far off the brazen trumpets of the American cavalry took up the echo. The conquering troops marched in with colors flying, to the sound of full choirs of drums, and the starry flag was run up over the bulwarks of the Mexican republic. The troops gave one long cheer, and from all the bands was heard "the Star-Spangled Banner."

It was a proud day; he by whose talent this great achievement had been effected, felt it in the secret places of his own heart, and gave vent to his feelings in the following official letter, which made the bosoms, even of those of his countrymen who loved him least, glow with pride that a portion of the glory of this achievement was reflected on them:

"HEAD-QUARTERS OF THE ARMY,
VERA CRUZ, March 29, 1847."

Sir: The flag of the United States of America flew triumphantly over the walls of this city and the castle of San Juan d'Ulloa.

Our troops have garrisoned both since ten o'clock: it is now noon. Brigadier-General Worth is in command of the two places.

Articles of capitulation were signed and exchanged at a late hour night before last. I enclose a copy of the document.

I have heretofore reported the principal incidents of the siege up to the 25th instant. Nothing of striking interest occurred till early in the morning of the next day, when I received overtures from General Landero, on whom General Morales had devolved the principal command. A terrible storm of wind and sand made it difficult to communicate with the city, and impossible to refer to Commodore Perry. I was obliged to entertain the proposition alone, or to continue the fire upon a place that had shown a disposition to surrender; for the loss of a day, or perhaps several, could not be permitted. The accompanying papers will show the proceedings and results.

Yesterday, after the norther had abated, and the commissioners appointed by me early the morning before had again met those appointed by General Landero, Commodore Perry sent ashore his second in command, Captain Aulick, as a commissioner on the part of the navy. Although not included in my specific arrangement made with the Mexican commander, I did not hesitate, with proper courtesy, to desire that Captain Aulick might be duly introduced and allowed to participate in the discussions and acts of the commissioners who had been recipro-

by accredited. Hence the preamble to his signature. The original American commissioners were, Brevet Brigadier-General Worth, Brigadier-General Pillow, and Colonel Totten. Four more able or judicious officers could not have been desired.

I have to add but little more. The remaining details of the siege; the able co-operation of the United States Squadron, successively under the command of Commodores Conner and Perry; the admirable conduct of the whole army, regulars and volunteers—I should be happy to dwell upon as they deserve; but the steamer *Acetone*, with Commodore Conner on board, is under way, and I have commenced organizing an advance into the interior. This may be delayed a few days, waiting the arrival of additional means of transportation. In the meantime, a joint operation, by land and water, may be made upon Alvarado. No lateral expedition, however, shall interfere with the grand movement towards the capital.

In consideration of the great services of Colonel Smith, in the siege that has just terminated most successfully, and the importance of his presence at Washington, as the head of the engineer bureau, I intrust this watch to his personal care, and beg to commend him to the very favorable consideration of the department.

I have the honor to remain, sir, with high respect,
Your most obedient servant,

WINFIELD SCOTT.

By W. L. MARCY, Secretary of War."

After the surrender of Vera Cruz, General Scott did not suffer the advantage he had gained to be lost, but advanced at once towards the capital. He previously, however, addressed a proclamation to the Mexican people which had the most advantageous effect.

The advance towards the capital was made by brigade of General Twiggs leading, and West Patterson following afterwards.

On the 17th of April he reached the famous *Cerro Gordo*, or Broad Mountain—naturally strongly fortified to the best of the ability of the Mexicans. This position was occupied by General Anna and an army of twenty thousand men. Scott was at the head of twelve thousand.

Santa Anna had but two months before been at Buena Vista by General Taylor, and forced to cross the desert to San Luis. In the interim, he had taken possession of this strong position, force thought amply sufficient to retain it. *Cerro* is a strong defile in a table land or plain between *Grande de la Plan* and the northern branch of the *colacas*, into which the first enters, and is about thirds of the distance from Vera Cruz to Jalapa. order of General Scott on the occasion of this battle, but has been too often printed to be current. It breathes distinctly the greatest confidence in his success, and is in the highest degree complimentary to the men he commanded.

General Twiggs was ordered to turn the left enemy's position, and was also instructed to in his retreat, by occupying the national road in his. General Shields was ordered to report to him with of his regiments, and the third was to expect other during the day. General Worth was also to follow movement. General Pillow was ordered to attack enemy's batteries as soon as he should hear fire his right (the enemy's left), or sooner if circumstances favored. He was, after having pierced the attack either the right or left wing of the Mexican







DON ANTONIO LOPEZ DE SANTA ANNA.



General Scott did not doubt the success of these movements, all of which were prosperous, General Pillow only having experienced any check. This was probably effected by force of circumstances, for that general at Vera Cruz and elsewhere had exhibited undoubted courage. The army was then ordered to pursue the enemy towards Jalapa.

General Scott, on the 18th, attacked the enemy's positions and carried them, winning a victory hitherto unprecedented. It would have opened his way directly to the capital, had the forces promised him arrived. Three thousand men were captured, with their officers, and five Mexican generals: Pinzon, Jarrera, La Vega, Noriega, and Obando. Vasquez, a general of reputation, was killed, and a vast quantity of artillery, arms, &c., were captured.

The American loss was great. General Shields was shot through the body, yet recovered. Major Sumner, an old and veteran officer, was shot on the forehead, but was not killed. Lieutenant-Colonel Johnson was also wounded. Captain Mason, of the rifles, also lost his leg,—of which wound he has since died; and Lieutenant Ewell, of the rifles, was mortally wounded. General Pillow also was wounded. General Twiggs, Colonel Harney, Major Loring, and Colonel Plympton distinguished themselves, and General Worth maintained his reputation.

The Mexican army fled, with Santa Anna and Cananizo, "the Lion of Mexico," at its head; narrowly escaping the pursuit of Twiggs's command. Santa Anna's state coach was taken, and subsequently was used to convey an old officer who had been wounded (Major Sumner), who, probably, during thirty years' service, had never before marched with an army but at the head

of his command. So hasty was the retreat, that artificial legs of the Mexican Lieutenant-general turned.

The order which General Scott had given to the latter, except that the brigade of volunteers commanded by General Pillow, was repulsed. The latter, however, which had beaten them back, was subsequently by the advance under General Twiggs. The mind of General Scott, with a military second-sight, foreseen all the events of the battle and the rest, his anticipations were realized.

On the 19th of April, General Scott made his report to the war department, that he had not transported his spoils, and consequently would be forced to leave them. He had taken three thousand prisoners, three pieces of the beautiful artillery of Seville, 1,000 mules, five thousand muskets, five generals, and the *materiel* of an army.

There could be no repulse so strong as this to the government, which had sent its soldiers to war without providing the means of reaping the results of victory. The men who but a few months before had scoffed at the general, by whose genius this triumph had been realized, were forced to acknowledge that he was the greatest leader of the age. By a strange perversion, however, of all the better feelings of humanity, they yet refused to confess their error. The world, however, saw it.

The victory of Cerro Gordo had important results. On the 19th Jalapa was entered, and on the 22d General Worth seized on the fortress of Perote, in which four pieces of brass and iron cannon and mortars, and a vast amount of shot and shells, were taken.

On the 15th of May, General Worth, almost without resistance, entered Puebla, in spite of the prediction

English and French press, which promised certain
to any American army which should approach
more densely populated parts of the country.

The army was long delayed at Puebla, and its com-
munication with the sea-board interrupted by the fre-
quent attacks of guerilla forces, which no prudence could
prevent. On the 22d of August General Scott occupied
the advance of the army the archi-episcopal palace
Tacubaya, after having defeated the enemy in two
battles.

On the 14th of August, while the army was on the
advance, Lieutenant-Colonel Duncan proceeded to re-
connoitre the enemy's position, and satisfied General
Scott that a communication could be opened between
Chalco and San Augustino, and consequently a strong
column was thrown forward with Worth's division in
the advance, and Quitman, Pillow and Twiggs following,
the object of which was to commence an altogether new
line of operations on the southern and western side of
the city, which would make useless the powerful works
thrown up by Santa Anna at Peñon and Mexicalzingo,
between lakes Chalco and Xochimilco and the lake of
Tezcuco, on which the city of Mexico is built.

On the 15th, when General Worth had reached the
hacienda of San Gregorio, General Scott ordered a halt,
having learned that the enemy was in force in front of
Twiggs, between Chalco and San Francisco, at the
head of lake Chalco, near to which the road from Rio
Frio passes. The enemy were, however, promptly dis-
persed by a few shots from Twiggs' heavy artillery.

On the 17th instant Worth again advanced, and on
the next day, at 8 o'clock, A. M., saw the turrets of the
Mexican capital. No enemy showed himself, and, but
that huge masses of rock had been placed in the road,

and ditches dug at intervals, the progress of his column was altogether unobstructed. When he first saw the city, however, an attack was made on him by the enemy, most advantageously posted, which, however, was in a short time checked and driven in by a light battery of the 2d artillery, commanded by Major Galt, and attached to the 1st brigade of Worth's division. The enemy soon rallied, but were driven in again without any loss to the Americans.

On the 18th General Scott reached San Augustino, and immediately dispatched Worth by the main road towards the city of Mexico. A reconnoissance by Majors Turnbull and Smith, of the engineer and topographical corps, was immediately ordered, with an escort of Blake's and Thornton's dragoons. The party became, however, exposed to the fire of an 18-pounder of a masked battery, the first shot from which killed Captain Thornton.

Colonel Garland with his brigade was then ordered to take position in front of the enemy's batteries at San Augustino, while two other regiments under Colonel Stark, with the battery of Colonel Duncan, took position behind it. A reconnoissance was then had under cover of a strong party, which after a skirmish, reported that it was practicable to turn San Antonio and occupy the village of San Angelo; at San Antonio Santa Anna had made the defences on which he chiefly relied.

The Mexicans were in a position at Contreras, an old Spanish post, and a council having been called by General Scott, it was unanimous in advising an attack on the next morning. Near Contreras was the hacienda of Buvera, in which General Worth established his head-quarters, and whence he could discover the enemy indefatigably working at their intrenchments at San Anto-





PERSIFOR F. SMITH,
Colonel Mounted Rifles, Brigadier General by Brevet.





nio ; at noon they opened their fire with shot and shell with an accuracy which would have done credit to any gunners in the world. They paused at nightfall, but on the 19th opened again on his position and would soon have rendered it untenable but for a powerful diversion.

At nine A. M., the 2d division (Twiggs's) and Pillow's were ordered to advance, and soon after noon were within reach of the heavy guns of Contreras. The 1st brigade of Twiggs's, under General P. F. Smith, was ordered to attack the front, while Colonel Bennet Riley was detached to occupy the rear and cut off reinforcements known to be advancing under General Valencia. The riflemen under a heavy fire advanced and drove in the pickets, assisted by the howitzer battery and Captain John Magruder's twelve-pounders, which, though admirably worked, could not keep pace with the enemy's eighteens and thirty-twos. At three P. M., Twiggs ordered Cadwalader with a brigade of volunteers to support Riley, heavy reinforcements being seen advancing, and General Pearce was sent to support General Smith. At this crisis Scott arrived.

Valencia was advancing with his infantry marching to the front, and in the rear and on the flanks regiments of lancers and other cavalry. It was an imposing sight, well calculated to arouse General Scott to the utmost pitch, and recall to his mind the tactics of the Niagara campaign. The work before him was evidently to be done with his favorite weapon, the prince of arms, the bayonet. He at once sent forward General Shields to support Riley and Cadwalader in preventing, if possible, the junction of Valencia with the troops in position at San Antonia.

This was the most interesting point of the engagement, and Riley bore the brunt of it—squadron after squadron dashed against his own regiment, the





DON ANTONIO LOPEZ DE SANTA ANNA.

THE GENERAL-IN-CHIEF—SCOTT.

terms to the Mexican government, and an
was joyfully consented to.

ended the first campaign of General Scott in
Mexico. Words cannot make its importance more evi-
dent than a simple recapitulation of a few lines will.

What has he done? Within five months he has landed
on an enemy's coast the largest army ever equipped by
the United States, without the loss of a man; captured
the second fortress of the world with a loss of less than
one hundred men, while the enemy had thousands
killed and an army disorganized; stormed a position
which, in his vanity, the Napoleon of the New World
considered impregnable, taking three thousand men and
five generals prisoners, and after three days' incessant
fighting crushed the Mexican army. Truly to him
belongs the name of "the great pacificator."

Such is the Major-General of the army, the biography
of whom thus sketched is long, because it embraces a
large portion of the history of the American army. He
is its beau ideal, the idol of the men and officers of his
command, who obey him with absolute mental and per-
sonal submission, because the annals of his long career
satisfy them that he is one of those who act by the golden
rule, and an honor to their profession. He holds a rank
second to that of no living man, and is worthy of it.*

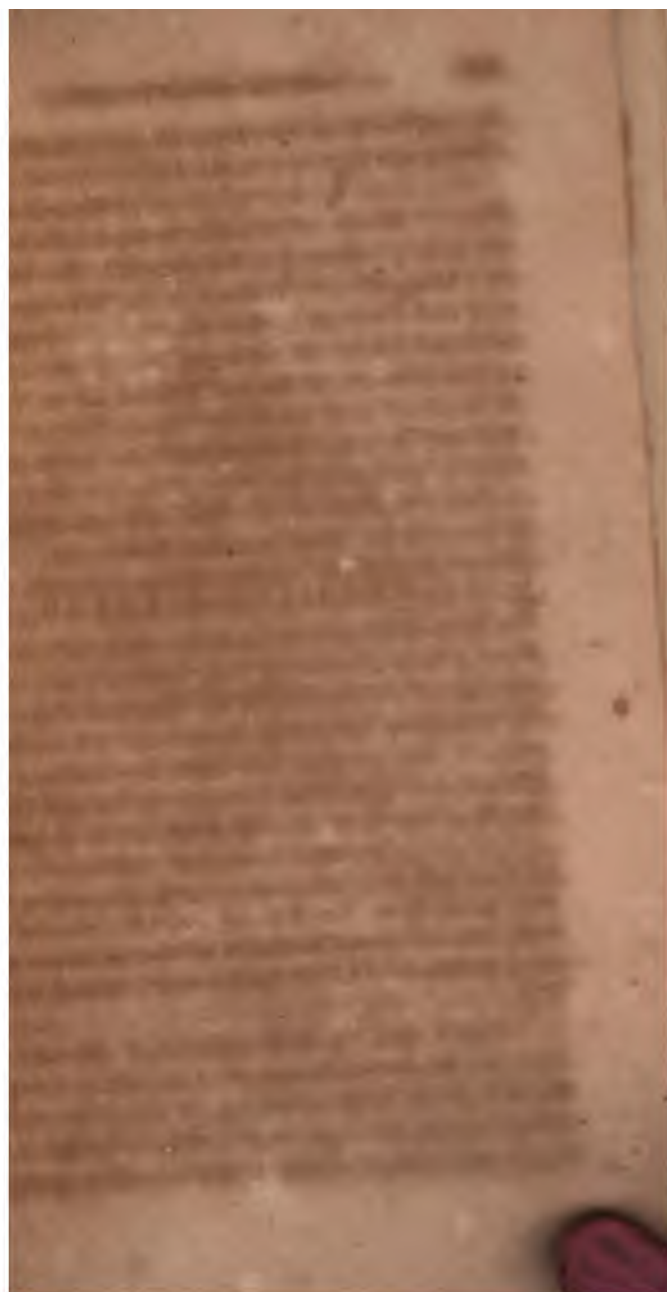
* The details of General Scott's transactions after the battles in
front of Mexico, will be given in detail in the sketch of General
Worth.

BOOK III.

GENERAL OFFICERS.

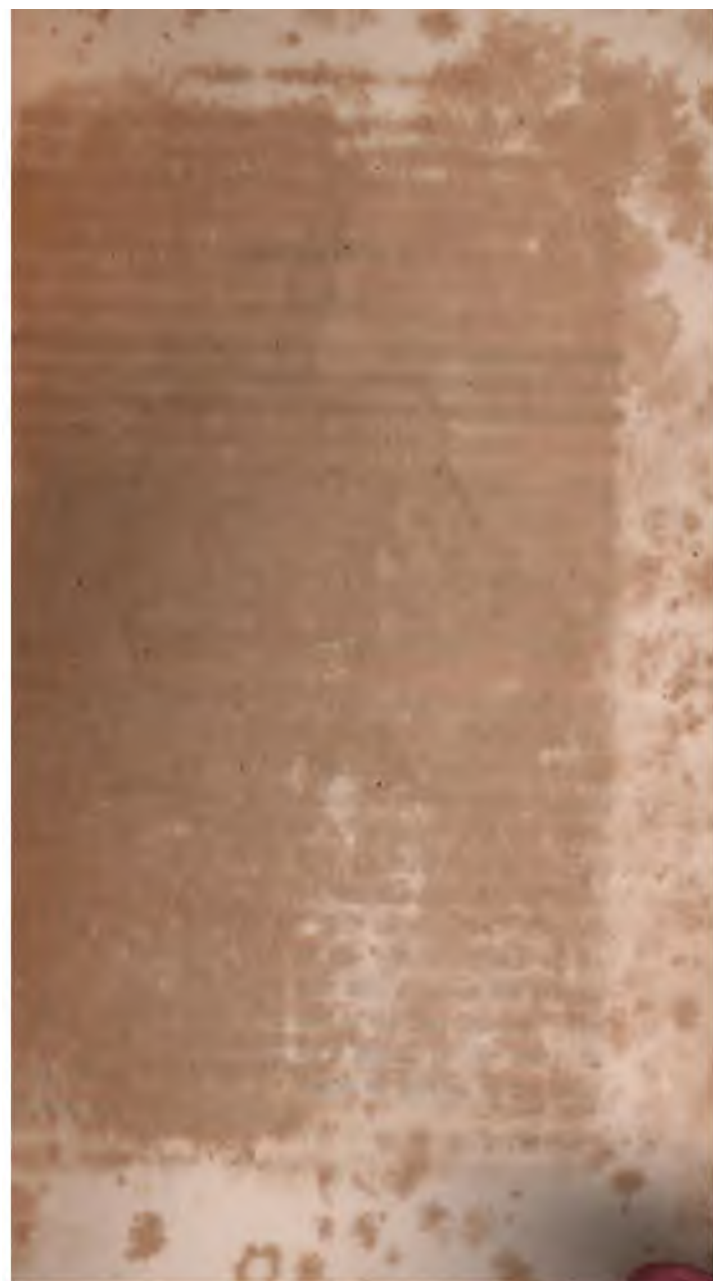
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EDMUND PENDLETON GAINES,
Brigadier-General, Major-General by Brevet.





CHAPTER I.

GAINES.

Gaines's parentage—His early life—Elected lieutenant of riflemen—Appointed to command in the army—Arrest of Burr—Burr's trial—Gaines in the practice of law—Returns to the army.

THOUGH the chances of war have made General Taylor the superior of General Gaines, the circumstance is of such recent occurrence, and all have become so accustomed to join together the names of Winfield Scott and Edmund Pendleton Gaines, that it seems more appropriate to refer next to this distinguished veteran.

The third officer in rank in the army is Major-General EDMUND PENDLETON GAINES, the best representative living of the old army of the revolution, and of the forces which established the predominance of the whites beyond the mountains. Though not a participator in the victories and defeats of those wars, General Gaines entered the army so long ago, that he was the associate of those who had gone through all their vicissitudes. General Gaines is, therefore, one of the oldest officers of the army, and one of the only four who connect the present military establishment with that of the last century. The author has been permitted, by a friend in the army, to extract from a table of the length of service of the older officers, the following items:

| Promot rank. | Name. | Date. | Entry into service. |
|-------------------------------------|--------------------------------|-----------------|--|
| Colonel Brig. Brig. Gen. | Hugh Brady, | July 6, 1812, | { Ensign of Inf., March 7, 1792. |
| Colonel | James B. Many, April 21, 1834, | | { 1st Lieut. 2d Artillery and Engineers, June 4, '78. |
| Brigadier General Maj. Gen. Brv. | E. P. Gaines, | March 9, 1814, | { Ensign 10th Inf., Jan. 2, 1790. |
| Colonel | J. B. Walbach, | March 18, 1842, | { Lieut. Col. Jan. 18, 1790. |
| Colonel Brig. Brig. Gen. | M. Arbutchie, | March 18, 1830, | { Ensign 2d Inf., March 2, 1790. |

One of these (Colonel Brady) was long out of service, so that General Gaines has served longer than any officer in the army, except Colonel Many and Colonel Walbach. One of these two (Colonel Many) has long been an invalid, and the other (Colonel Walbach) has the same original date. The present general-in-chief did not enter the service until 1808, when Gaines had been on duty nine years; long enough to be considered a veteran.

General Gaines's father, James Gaines, was a citizen of Culpepper county, in Virginia, and was the nephew of Edmund Pendleton, for many years president of the court of appeals of Virginia, and one of those men who wielded a commanding influence in the palmy days of his state, when Washington, Governor Henry, Mr. Madison, Peyton Randolph, General Lee, and Mr. Jefferson, were alive. James Gaines was a man of much distinction, and was an officer of the Virginia line during the revolutionary war, after the close of which he emigrated to the frontier of North Carolina. He was a member of the convention of that state, to which the federal constitution was submitted, and by which it was rejected. He subsequently only voted for it, on the adoption of the bill of rights, which removed his objections. His son represents that he lived long enough to be sure he would have no cause to regret this vote, and died in the belief that this constitution was the best ever submitted to man as a rule of government. James Gaines was twice mar-

ried ; first, to a Miss White, who died soon after marriage, leaving one daughter ; and subsequently, to Miss Elizabeth Strother, a lady of Virginia. From this marriage were born four sons and seven daughters. Of this numerous family, Edmund Pendleton Gaines was the seventh. His childhood was passed under the eye of his distinguished grand-uncle, Judge Pendleton ; of whom he preserves, it is said, the most lively recollection ; and perhaps to his high-toned relative is not a little to be attributed that old Roman integrity, that noble independence, when his own convictions were clear, of others, which have ever characterized General Gaines.

He was born on the verge of civilization, for such at that day was Culpepper county, during the existence of a civil war, when the stories of the fireside were not those calculated to soothe the infant imagination, but of war and rapine, of battle-fields and Indian slaughter. We cannot, therefore, be surprised that his after career has been what history records it. That he always appears as the pure and patriotic soldier, utterly unselfish, and looking always at the great objects to be attained by his country, must be attributed to the influence of his mother, a lady of the old school, who taught him early to look on the blood-stained fields of the old war, as a fearful ordeal, terrible but necessary to those who would retain their freedom. His recollections of Virginia are all collected in his souvenirs of his uncle, Judge Pendleton, and the fire-side conversations by which his mother instilled into his young mind the principles which sustained him in his long and stormy career.

About 1790, a time of great depression came on the whole nation, and especially on the states of Virginia and North Carolina. Planters of large fortune became impoverished, and those of but moderate means



PERSIFOR F. SMITH,
Colonel Mounted Rifles, Brigadier-General by Brevet.

colonel of which was Thomas Butler. From this point his actual service dates.

During the year 1801, Colonel Butler was ordered to select the subaltern of his regiment best calculated to make a topographical survey of the country between Nashville and Natchez, for the location of a military road to connect the province of Louisiana with the western portion of Tennessee. This duty was assigned to Lieutenant Gaines, who, by the care of his old friend Ralph Mitchel, had acquired a mathematical knowledge rare in the army at that day. Many now may be disposed to sneer at the survey of a few hundred miles length, as containing in itself nothing arduous. It is, however, a mistake. Even at this time the country is one of the most difficult in the world, and then was a wilderness inhabited only by Indians and banditti. The service was long and arduous, occupying his time until the winter of 1803-4. In the meantime he was for a short time recalled to survey the line of the Choctaw reserve, which was not, however, of great length. This was the original United States survey, and the basis of the military road by which all passed upward from Louisiana until it was made almost useless by the introduction of steam navigation.

Though Louisiana had previously been purchased from Spain in 1804, that government persisted in a refusal to withdraw her troops from Mobile and Baton Rouge, and to surrender the country between the Iberville, the Island of Orleans, the Mississippi, and the Perdido, as part of Louisiana. The president adhering to the temporizing policy which characterized the connexion of the United States with foreign nations for a long time, instead of declaring war, contented himself with appointing a military collector of the customs for the port of Mobile.

Lieutenant Gaines had in 1802 become a first lieutenant, and was selected for this office. He accepted it, in the confident belief that from the position at which he was stationed, Fort Stoddert, thirty miles north of Mobile, he would ultimately be called on to occupy the territory in dispute. There he remained until 1806, commanding Fort Stoddert; he received *in commendam* to his already numerous and seemingly incompatible offices, the appointment of deputy of the post office department. He was authorized at this time to suspend all postmasters whom he had reason to suspect were concerned in the plans of the celebrated Colonel Aaron Burr, and to call on the commanders, whatever might be their rank, of the various garrisons of the United States in the south, for aid in the correct discharge of his duty as collector, not of one post but of a district, and to protect the mail and express riders through the wilderness of six hundred miles, which intervened between Louisiana and the frontier of Georgia.

While in this responsible station he received the proclamation of the president, authorizing all civil and military officers of the United States to use their utmost diligence to arrest Colonel Burr, whose conduct, long and attentively watched, had become such as to justify the executive in assuming this responsibility. Gaines had long been in the confidence of the government, and had seen enough to permit him to entertain not the slightest doubt of the propriety of this course and of Burr's guilt. He therefore resolved to arrest him, and on the first opportunity did so.

The arrest of Burr was made with the great decision and positiveness which Captain Gaines was in the habit of displaying in every item of his duty. It was, however, made with due regard to the elevated position Colonel

Burr had occupied, and the delicacy with which one soldier arrests another. He was kept securely for several weeks, when, under the charge of one of the best men in the country, Major Nicholas Perkins, the illustrious prisoner was taken to Richmond, Virginia, where the venue was laid for trial. It will be remembered that Captain Gaines arrested Burr by virtue of a proclamation of the president, and consequently was not interfered with by any of his military superiors, many of whom certainly had the inclination to do so. It is an undeniable fact that Colonel Burr had acquired an influence over hundreds of military men, the majority of whom were disbanded, while others still were enrolled on the army register. These, corrupted by a dissolute life, many of them poor and needy, waited only his signal to strike in support of his designs, the mystery which covers which has not yet and cannot now be cleared away. As far as conjecture went, the officers of the southern army (and few had a better opportunity of judging) thought, that his designs were directed not against the Spanish possessions, but territories claimed by Mexico; and that, had he succeeded, the territory of the United States would have been dismembered. Only by this supposition can we account for the pious horror at his designs, evinced by those who since have incontestably aided, some with comfort and advice, and others *vi et armis*, in the Texan revolution, and now recommend the dismemberment of Mexico.

Mr. Jefferson, on being informed of the activity of Captain Gaines in this important matter, appointed him marshal of the United States; and, it was by this authority that Captain Gaines summoned General Wilkinson, at the head of his army, and various other persons, to attend the trial at Richmond. With them, in May,

1807, Captain Gaines sailed from New Orleans in a United States man-of-war, and arrived in Virginia on the 5th of May, 1809.

The events of that trial were momentous, though bloodless. Rarely has there been made a greater collection of illustrious men. John Marshall was on the bench, while in the bar was the subsequently illustrious William Wirt, even then a man of distinction; General Jackson and Commodore Truxtun were there as witnesses, and as spectators Spencer, Roane, the present General Scott, and the venerable Chancellor Wythe. The district attorney of the United States, George Hay, though cut off in his early youth, lived long enough to earn for himself an honorable fame; the attorney-general of the United States, Cæsar A. Rodney, joined in the prosecution, and the distinguished men of all the west were collected to give testimony against the first and the last person accused of treason against the United States, and his confederates. The accused, too, a man of note, was accompanied by his daughter, the accomplished Theodosia Alston, on whom he seems to have squandered all the purity of his heart; the story of the trial of Lord Russel and the devotion of his Rachel were recalled to the memory of every one.* There also was Blannerhasset, around whose name the genius of Wirt has cast its own ideality; and many more who in another association would have been conspicuous.

Every member of the grand jury to whom the bill of indictment was referred, was a man of distinction.

* The untimely and lamentable fate of this lady, her death, and the fearful scenes of every character she was subjected to, impress upon us the truth of the remark of La Harpe, that "not even the wildest romance surpass the occurrences of which either happen or become known to the humblest in

Three of them subsequently became chief magistrates of Virginia and senators of the United States. Others had won for themselves illustrious names, which even now, amid the jarring of parties, attract the regard of men of every phase of political creed. The jury empaneled to try the accused, were men of repute carefully gleaned from a population which Mr. Burke, before the revolution, had pronounced the freest and most intelligent in the world.

Burr's counsel were second to no men in the nation; and their able and brilliant defence did not a little contribute to the fame which has ever since hung around the names of Luther Martin, John Wickham, and Edmond Randolph; the last of whom was already illustrious. The grand jurors were men of note.

The trial commenced; and, though convincing every one of Burr's guilt, and damning him eternally in public opinion, the judge was constrained to rule out a large portion of the evidence, and the jury, on the remnant, acquitted him. Perhaps it is as well that such was the case. Martyrs have been made of worse men, and had he paid the penalty of his offences, his name might have been a war-cry to defeat the success of those democratic principles, more necessary at that time than at any other, to the well-being of the United States.

In the course of the trial, some events occurred which it may not be unimportant to refer to. The counsel for the prisoner thought it his duty to refer in terms of great harshness to the conduct of General Gaines, in the circumstances of the arrest, and to his personal character. Acting according to the precepts of that sublime ode of Horace—

"Integer vitæ scelerisque purus," &c.,

the young captain stood firm and erect, and careless of

all imputations unjustly cast upon him. He knew he had done his duty,—that was his consolation. He had, however, been trained in a strict school, and been taught that the first obligation of a soldier, after obedience and allegiance, is respect to the civil authority.

The events of this trial were important to General Gaines, who is satisfied that from that day to the present he has experienced from certain high quarters an animosity not to be accounted for, but on the grounds of enmity at his participation in the unveiling of the designs and foiling the plans of their great accomplice.

After the trial, Burr sank into insignificance and contempt, and Captain Gaines returned to the south. The latter was now nearly thirty years of age. The career of a soldier in time of peace had few allurements to him; and, as the chances of war seemed far removed, he resolved to resign and engage in the practice of the law, for which he had long been preparing himself. After much procrastination, in consequence of the dissuasions of his many friends, a leave of absence was granted him in 1810, by General Hampton, with the understanding that if the prospect of war should at the end of twelve months seem less distinct, he was to have permission to resign; if not, that he was to remain in a service where, entirely by his own exertions, though unfriended, he had won so high a reputation.

He did not go home, but to the then territory of Mississippi, in Baldwin county, above the Yazoo river, where he immediately commenced the practice of the law.

In 1811 the crisis of war and peace came, before Gaines had attended his second circuit. He at once returned to his regiment and the army, with which from this time his name is identified, and of which he became one of the most distinguished ornaments.

CHAPTER II.

GAINES—(*Continued.*)

Descent of the St. Lawrence—Battle of Chrystler's Field.

THE early part of the war Captain Gaines passed in the northeast, and participated in the various expeditions made against the allied British and Indian forces. The events of this part of his career are difficult to be traced; suffice it to say, that after receiving in rapid succession the promotion of major, lieutenant-colonel, and colonel, and performing the responsible duties of adjutant-general, he found himself at Chrystler's Field, on the 11th of November, 1813, in command of the 25th regiment, to which he had been promoted during a painful illness, which deprived him of any participation in the battle of the Thames and triumphs of the army of General Harrison.

It will be remembered that after the departure of the American troops from Fort George, the British had also abandoned the neighborhood and concentrated at Kingston, believed by them to be the object of General Wilkinson. The latter, under these circumstances, fixed on French creek as the best place for the debarkation of his troops after they should have entered the St. Lawrence. The plan succeeded. General Brown, of the army of the United States, was ordered to assume command of the advance at this place. On the 1st of November, a British fleet made its appearance near French creek and

acked the Americans, but were soon beaten off by the 8-pounders of Captains McPherson and Fanning. The attack was repeated on the next day with no better success; and on the 6th the army embarked, and landed again in the evening not far above the British Fort Prescott. As this work commanded the river, the army passed around its rear, and the flotilla of boats, under the cover of night and a dense fog, had nearly passed the front unobserved, when the weather suddenly becoming clear, it was fired on. The firing induced General Brown, who was in the rear, to halt until the night became darker. When the moon had set, Wilkinson attempted again to proceed, but was fired on and subjected to a cannonade of three hours' duration. A messenger was immediately despatched to General Hampton, informing him of what had happened and calling for his co-operation.

The enemy had now found out the design of the American army, and by troops posted at advantageous points, sought to interrupt it. On the 7th, Macomb, with his *corps d'elite*, was thrown forward to remove all obstacles, and being attacked at the rapids, beat the enemy. On the 8th the flotilla arrived at Hamilton, when Brown was ordered forward to reinforce Macomb and assume command of the advance. The British troops at Kingston, now relieved from fear of an attack, pushed after the American army. An inexcusable mistake was here committed in not leaving a corps of fifteen hundred or two thousand men to hold them in check, even though nothing was attempted against Kingston. On the 10th, General Covington's horse and four pieces of artillery were ordered to clear the way as far as *Le Long Saut*, a rapid eight miles below. The march of army was deferred until the next day.

On the morning of the 10th, Brown, with all his troops except the 2d dragoons, and two guns, continued to advance. The dragoons, commanded by General Boyd, together with men from all the other brigades, were ordered to hold the enemy in check while the rest of the command, barely sufficient to navigate the flotilla, proceeded on.

General Brown's command consisted of Macomb's artillery, a few companies of Scott's, a few of the light artillery, the rifles, and the 6th, 15th, and 2d regiments. In a very short time it was engaged both with a force on shore under cover of a block-house, which was carried by Major Forsythe and the rifles, and with the British galleys, which were also forced to retreat. It was now nearly night, and the passage of the saut was delayed until the 11th.

At ten o'clock on the morning of the 11th, just as the flotilla was about to proceed, and when Boyd's division, composed of his own, Swartwout's, and Covington's brigade, was about to march, the enemy were reported to be advancing rapidly in column of attack. General Wilkinson and General Lewis being both ill, Boyd immediately faced about and attacked the enemy's column. The British galleys at the same time came down the stream to attack the flotilla. Boyd at once ordered a part of Swartwout's brigade, under Colonel Ripley, to begin the action, which was done by his passing through a skirt of wood into Chrystler's Field. Scarcely had he done so, when he found himself in front of the 89th and Glengary British regiments, whom Ripley immediately charged. The enemy were driven at once; and having been rallied, were a second time routed and forced to take refuge with the whole line.

Covington had advanced upon the right with his

brigade and made a resolute charge on the British artillery; just as success became sure he fell mortally wounded. His brigade unfortunately halted, then became confused, and finally fell back in disorder.

One wing of the British army was now wheeled into column for the purpose of capturing a few American guns, left unprotected by the retreat of Covington's command. Colonel Walbach,* the adjutant-general, attempted at this crisis a charge, which from the broken nature of the ground, cut up with fences, failed. This circumstance is especially to be regretted, as only on this occasion during the war (except the anomalous, but successful charge of Colonel Johnson at the Thames) were lagoons used as battle-pieces. The American army was in danger of being routed, when Ripley threw himself in front of the artillery and beat back the British. Ripley had, however, expended his ammunition and was forced to retire, when the enemy advanced and captured one gun. The others were brought off by Captain Armstrong Irvine. The regiment of Colonel Gaines was active and efficient during the day. As soon as the American army retired towards its boats for the purpose of embarking, and as the British threatened to molest it, Colonel Gaines was ordered to hold him in check. Flushed with his success at capturing the American gun, the commander of the 89th pressed closely on the retiring army, until he met the 25th. The 25th stood firm as a rock, and beat back the 89th with much loss. Colonel Morrison was, after repeated charges, forced to retire; and the 25th slowly left the field, after hav-

* This gallant officer has not only been since 1799 in the American army, but was previously for ten years in the Prussian dragoons, and during the greater part of the time in the presence of the enemy. He is now alive, and colonel of the 4th artillery.

ing converted a rout into a drawn battle. There were in the British army few better soldiers than Colonel Morrison, one of the peninsular veterans. Struck with the bearing of his young antagonist (Gaines was but thirty-three), he sent him the next day his card, with the intimation that one who could fight so well must be a gentleman, and that should they ever meet under more peaceful auspices, he should claim him as an old friend. The army, on the same day, proceeded on its route, and General Brown passed the rapids and joined the advance near the village of Barhardt. At this place news was received which put an end to this expedition, which was directed against Montreal. On the 9th of March, 1814, Colonel Gaines was appointed a brigadier-general. On the same day Colonel Scott was also appointed a brigadier-general.

CHAPTER III.

GAINES.—(*Continued.*)

Capture of Fort Erie—Retreat of Ripley—British attack Fort Erie—Defence—Gaines a brevet major-general—Sortie from Fort Erie—The siege raised—Compliments to Gaines from congress, and from Virginia, Tennessee, and Alabama—Gaines assigned to command in the south.

THE summer of 1814 was well advanced before active hostilities were commenced by either of the antagonists. In the interim an army had been prepared for victory at the camp of Buffalo. The British were not only in possession of their own shore, but of Fort Niagara in the state of New York. The American army on this frontier was composed of two brigades, one commanded by Scott, the other by Ripley, also become a brigadier. The two composed Brown's division. There was also a force of volunteers and Indians under Generals Porter and Swift, (New York militia.) The enemy, too, had been reinforced. The first operations of the American army it were obvious was to secure the possession of Niagara, and capture Fort Erie, which at that time was commanded by Captain Buck, at the head of one hundred and seventy men. General Scott, with the 1st infantry and a detachment of artillery under Major Henderson, crossed therefore to the Canada side, below Fort Erie, while General Ripley with the second brigade, crossed above. A party of Indians, friendly to the United States, also got in rear of the fort, which, thus

surrounded, immediately surrendered without firing a shot.

The battle of Chippewa has already been described in the sketch of another distinguished general, and also all that occurred until after the battle of Niagara. That portion of the American army under Ripley retreated towards Fort Erie.

This retreat for a long time subjected Ripley to severe animadversion. The British under General Drummond, though in pursuit, took good care not to overtake the Americans, who, if they retreated, did so in remarkably slow time. The enemy, however, had been reinforced by a whole brigade under General De Watteville, and immediately invested Fort Erie, which not long before had been so weak a post as to be confided to a captain and two companies.

This post lay about one hundred yards from the lake shore, on a plain about fifteen feet above the level of the water, and could be considered but a feeble redoubt. By the 7th of August a new line of defences had been thrown up, and the enemy were taught by the gunnery of the garrison to keep at a respectful distance. From this time an incessant cannonade had been kept up. Before the defences had been completed General Gaines arrived, and as the senior officer assumed the command. On the night of the 14th, both General Gaines and Ripley perceived an unusual activity in the British camp, which induced them at once to take steps to defeat an attack.

General Drummond had determined to attack three sides of the fort at once. General Gaines was therefore under the necessity of dividing his force so as to repel each of these demonstrations. The main fort and bastions were assigned to Captain Williams of the artillery,

while a detached battery was entrusted to Captain Douglass of the corps of engineers. The curtain was commanded by Captains Biddle and Fanning, supported by Porter's troops and the rifles; Major Hindman had charge of all the artillery. The brigade of General Scott, who had been severely wounded on the battlefield of Chippewa, was commanded by Lieutenant-Colonel Aspinwall, and defended the right while Ripley stood on the left. The attack was introduced by a prelude of rapid discharges of shot and shell, which lasted for some hours. A shot having fallen in one of the magazines, it exploded with a fearful report, and for a moment the enemy thought they were successful. The garrison, however, immediately cheered loudly, and amid the smoke which covered everything, Captain Williams discharged all his heavy guns. At half-past two in the morning, when the darkness was intense, the right column of the enemy, thirteen hundred strong, commanded by Lieutenant-Colonel Fisher, was heard on the right of the garrison occupied by Scott's brigade, which, with Towson's guns, was ready to receive them. The battery occupied by the latter was assailed with ladders, and all the rest of the line with the bayonet—when almost beneath the works a fearful fire was opened on them, and they were driven back. Again being rallied by Fisher, they were led to the attack, but again were routed. The key to the whole work was thought to be Towson's battery, to get possession of which Fisher attempted to turn the abattis, which extended far into the lake, by wading. In this he failed, losing in the water by drowning, &c., about two hundred men. When Fisher was engaged with the garrison, the British left column, commanded by Colonel Scott, passed along the lake shore, while Colonel Drummond advanced to the attack of the front or cur-

tain. Scott was checked by Douglass's battery, and volunteers of Boughton, from New York, and Hays from Pennsylvania, the 9th infantry under Captain Carter, and one gun. This was the weak point, and one of the volunteers have now to tell how the general encouraged them by his presence, and told them to aim to prevent their fire from being lost. It was lost, for after approaching within one hundred and fifty feet, the attacking column recoiled. Colonel Drummond, under the very heavy fire from Williams's battery, advanced to the attack of the front. He was at the head of eight hundred picked men, such as on such occasions the British army is in the habit of producing, and would have won the admiration of every soldier. Applying his ladders, the parapet was mounted. The officers called out to their line, extended to the left, to cease firing. This deceived Douglass, who supposed the order to be given within the fort, and relate to himself. He and the infantry on the left obeyed; and Colonel Scott, who had rallied his men repulsed on the left, approached that side simultaneously. The deception was, however, useless, for both columns were repulsed, the scaling-ladders were thrown back, and Colonel Scott killed. Drummond made repeated efforts with no greater success, being repulsed by Hindman's guns, and Trimble's infantry. The artillery of Douglass, after the death of Colonel Scott, was directed as to prevent communication between the column and Drummond's.

The latter was a brave man. Though thrice repulsed with heavy loss, he would not renounce his undertaking. Amid the darkness of the coming day and the smoke of the long cannonade, he once more reached the ditch which was passed, and the parapet scaled. At this

cried out to his men, who rapidly followed him, *Give : Yankees no quarter.* This order was obeyed. After a most bloody carnage which ever occurred on this continent, during which Captain Williams was mortally, all Lieutenants Watmough and McDonough severely wounded, the latter asked for quarter,—it was refused. Seizing a gun-rammer, he used it with all the effect his expiring strength permitted, and was shot down by Colonel Drummond in person. At this instant Drummond, too, fell dead, with a ball in his breast. The enemy still retained their position, and though charged repeatedly by the general at the head of the reserve, stood firm. Everywhere else they had been repulsed, and large reinforcements arriving, they were gradually being forced over the rampart. Fresh reinforcements were received by the British, and though Douglass's guns enfiladed their position, and Lieutenant Fanning directed his artillery on them, the affair was not then settled. At this crisis a magazine which was in the British exposure, and all the enemy who were in that position were blown up. This terminated the assault, and the enemy retreated to their works. The British were counted, lying on the field two hundred and twenty-two killed, among whom were Colonels Scott and Drummond, and other officers of rank; one hundred and seventy-four wounded, and one hundred and eighty-two prisoners—a total loss of five hundred and eighty-two. The official report of General Drummond acknowledged a total loss, including those of Fischer's column, amounting to the sum of nine hundred and five, of whom fifty-seven were killed. The official of the American adjutant and his assistants' statements knew better from personal observation. The American loss was seventeen killed, thirty-two wounded, and eleven prisoners. But out of the latter was a small

Lieutenant Fountain, who had been forced over the bastion when Colonel Drummond was killed.

The enemy remained in his trenches, and showed no disposition to try another assault with the bayonets. Having been reinforced by two regiments, his batteries were enlarged, and a perpetual bombardment kept up until late in August. On the 28th of August a shell exploded within the American lines, a fragment of it severely wounded General Gaines, and compelled him to relinquish the command to General Ripley and retire to Buffalo.

For this gallant defence, never surpassed and never equalled, General Gaines received the most unbounded applause. The British columns had been far more numerous than his garrison, and their officers saw the success. His conduct on this occasion will bear the most rigid scrutiny, and merits all the commendation bestowed on it. For his good conduct he received the compliment of a brevet of major-general, the command of which grade he has exercised with few interruptions ever since.

The siege of the fort was continued until the 17th of September, when General Brown made his brilliant attack, which resulted in the destruction of the enemy's works. The sortie on that occasion was headed by General Ripley, and by its brilliant success effaced all memory of his retreat, which, as before stated, had been much censured. General Izard, about the middle of October, having arrived in front of the works, the siege was raised, and Fort Erie was subsequently left under the command of Lieutenant-Colonel Hindman. The fort being ultimately destroyed, late in the season the garrison were withdrawn to the United States shore.

General Gaines did not participate farther in the

ts of the war, which was soon after terminated by
e.

After the termination of the war, General Gaines received high compliments from congress and the states of Indiana, Tennessee, and Alabama; each of which presented him with a sword. A medal was struck in honor of him, by authority of the nation, referring to the name of Fort Erie.

On the reduction of the war establishment, he was retained in service, with his old rank, and, after a brief absence, assigned to command in the south, where the hostile Indians and negroes yet continued to harass the frontier of Georgia.

CHAPTER IV.

GAINS—Continued.

Differences with respect to Florida—General Jackson in command of the southern division—General Gaines assigned to the command of West Florida—Instructions to Gaines—Jackson's operations—Arbitration and Arbitrator—Capture of Pensacola—Termination of the Florida war—Deaths of Generals Gibbon and Armes.

THE territory of Florida, it will be remembered, had been discovered by the companions of Columbus, one of whom, De Soto, had landed near the present city of St. Augustine, and passed thence far beyond the Mississippi. The Spanish empire yet retained the nominal command of this peninsula; though, shorn of its power by the encroachment of Napoleon, it was unable to exercise more control over it than over the rest of its vast empire.

During the war with the United States, terminated in fact by the battle of New Orleans, Great Britain had taken advantage of the feeble condition of Spain to harass the southern frontier of the United States; and, after the ratification of peace, seemed by no means disposed to relinquish the advantages afforded by the bay of Pensacola and the disguise of a neutral flag, and bands of Indians over whom Spain exercised but a nominal control. The man appointed to the command of this frontier, was one emphatically qualified to perform this duty well. The general who had dared, at the beek of necessity, to disregard the *form* of law of

own country, was not likely to shrink from the technicalities of the statutes of another realm.

Major-General Andrew Jackson was assigned to the command of the southern division of the army of the United States, and, early in 1816, repaired to New Orleans to station his troops so as to repel the incursions of the hostile Indians and whites beyond our frontier, yet clearly amenable to the United States, as their hostilities and outrages were committed within their borders. In October, 1816, General Jackson returned to his head-quarters at Nashville, Tennessee, where he was busied in perfecting the police of the army and the discipline of his own department.

Many tribes of Indians were crowded into the province of Florida, intermingled with whom were aborigines from many of the northern races. Adventurers, refugees from the French, Spanish, and English colonies, and from the United States, were within its limits, and also a vast number of runaway slaves, from states as far north as North Carolina and Virginia. All of these were restrained from inroads into the United States by a mere line of longitude, never run and never defined.

This (1817) was the era of the South American and Mexican revolutions; and the whole southern portion of the New World was convulsed by the efforts of nations long enslaved, to throw off the shackles of oppression and prejudice. The reaction of the nations which at this crisis started into being, was fearful; and palpable wrong was not unfrequently confounded with palpable right, merely because the two had previously been inculcated by the same authority. One of the officers of the Colombian naval service (Commodore Aury) at this time took possession of Amelia Island, which undoubtedly belonged to Florida, but which came within the jurisdic-

tion of the United States, as it was made the centre of a horde of brigands, who outraged the sovereignty of the Union, and whom Spain could not or would not expel. This state of things had, to a great degree, existed during the late war.

It will be remembered by all familiar with the general history of the late war, that a Colonel Nichols had been driven from Pensacola by General Jackson, previous to the battle of New Orleans. This worthy, long after the proclamation of peace, established a fort near the present city of St. Mark's, around which he collected a band of fugitives of all nations and countries, who long outraged the law of nations and of humanity, until their fort was destroyed by Colonel Clinch, January 10th, 1816. This, for a time, terminated the war in West Florida.

To the command of West Florida General Gaines had been assigned after the conclusion of peace. On the 30th of October, 1817, he received a letter from the war department, authorizing him to call a detachment of Georgia militia into service, and stating "that the assurance of an additional force, the president flatters himself, will have the effect at least of restraining the Seminoles from committing farther depredations, and inducing them to make reparation for the murders they have committed; should they, however, persevere in their refusal to make such reparation, it is the wish of the president that you should not, *on that account*, pass the line, and make an attack upon them within the limits of Florida, until you shall have received further instructions from this department. You are authorized to remove the Indians still remaining on the lands ceded by the treaty made by General Jackson with the Creeks."

Various outrages, however, were committed subsequently, the crowning one of which was the massacre of

A party of United States soldiers, commanded by Lieutenant Scott, while on the way to the mouth of the Apalachicola from Fort Scott, a stockade on the Flint, above its junction with the Chattahoochee. This took place in November, about the 15th.

Before the news of this outrage, however, reached Washington, the secretary of war had written on the 2d of December, to General Gaines, thus: "The state of our negotiations with Spain, and the temper manifested by the principal European powers, make it impolitic, in the opinion of the president, to move a force at this time into the Spanish possessions, *for the mere purpose of chastising the Seminoles for depredations which have heretofore been committed by them.*"

A second letter, dated December 9th, instructed General Gaines to exercise his own discretion, should the Indians cross into the United States, as to whether he should cross the line and attack them.

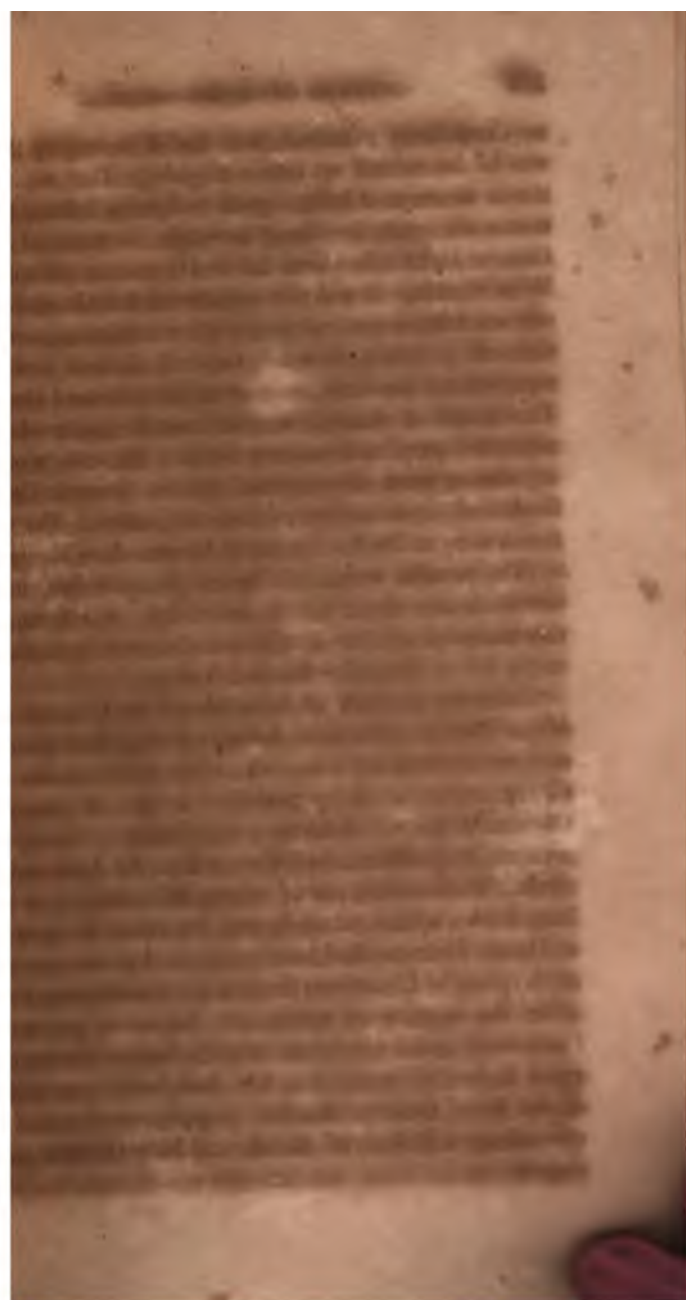
A third letter *authorized* him, if the Seminoles persisted in outrages on the United States, to cross the line and attack them. Under these circumstances he was required immediately to notify the department. In obedience to these orders, General Gaines called into service from Georgia a large reinforcement of militia, and as the wont then was, to draft for a short period, before they had become accustomed to the routine of camp, it became necessary to call out a second thousand to replace them.

In the meantime General Jackson was ordered to assume command of this country, which lay in fact within his department. The secretary of war on the 10th of June wrote to General Gaines, who previously had been sent to Amelia Island, that the dignity of the United States required that the Seminoles should

be exemplarily punished, and that if necessary it was to be carried on within Florida. That it was ascertained he had gone to Amelia Island, as it was uncertain how long he might be retained, General Jackson had been ordered to assume command West Florida. It will be remembered that General Jackson was a major-general with a full commission, ~~and~~ General Gaines's brevet. General Gaines was removed to the extreme east of Florida and Georgia. The island of Amelia was afterwards captured by combined naval and military force. The troops of the expedition were commanded by the present Colonel Bankhead, under orders of General Gaines. The naval forces were under the orders of Commodore Healy.

The peculiar nature of General Gaines's instructions was such as to retain him in inactivity. A reference to this campaign will hereafter be found more fully explained in the life of Brigadier-General Twiggs.

After the capture of Saint Mark's by General, then Major Twiggs, Alexander Arbuthnot was taken prisoner, and about the same time two chiefs notorious for their outrages were taken by means of a *ruse de guerre* by Captain M'Keever of the navy and Colonel Gibson, who were cruising with a mixed force before the Apalachicola river. These chiefs, one of whom, Hillisihajo, had been long known by his outrages, and the other, Hornotlimot or Hornot Henrico, had been recognised at the massacre of the party of Lieutenant Scott, were immediately hung. After the capture of Arbuthnot, the army proceeded southward, and at another town of the hostile Creeks captured Robert C. Ambrister, who had been a subaltern in the Royal Colonial Marines (negro), commanded by the infamous Nichols of Mobile and New Orleans notoriety.





GEORGE GIBSON,
Colonel of Staff, Brigadier-General by Brevet.



ghout the whole of this war, was
 Gibson, then a colonel and quarter-
 : division of the army which Gene-
 ded. His services, on many occa-
 nented by General Jackson ; and, in
 with Captain McKeever, of the navy,
 e St. Mark's river, which empties into
 , he got possession of Francis Hillisi-
 limot, or Henrico, the two great leaders
 s in their outrages on the United States.
 gands, as before mentioned, were hung
 the authority of the two commanders of
 naval expedition.

bson was appointed in the army on the 3d
 and became, on the 18th of April, 1818,
 inole difficulty, commissary-general of the
 d held the rank of colonel two years pre-
 the 29th of April, 1826, became brigadier-
 vet. He has long been at Washington,
 red one of the most efficient, and, at the
 e of the most popular officers of the army.
 n was at Queenstown, and participated in
 Scott's expedition, when he was attacked
 , while proceeding to surrender his com-
 at gallant affair. He is a native of Penn-
 a brother of the distinguished chief justice

h of April, at Saint Mark's, after the dis-
 volunteers, a court martial was convened
 kson, of which General Gaines was presi-
 distinguished Colonel King a member,
 r officers, the junior of whom was a cap-
 rvice, for the trial of Arbuthnot and Am-
 e was not the slightest doubt that they

were guilty as charged, of a violation of the law of nations, and of every other law, and the court accordingly sentenced the first to be hung and the second to be shot. The court recommended, however, that the first should be treated with mercy, and the punishment commuted to stripes and confinement.

It is necessary that a distinction should be made in relation to the finding of the court, and the conduct of the commanding general who approved of that part of the finding which pleased him, but disapproved of the recommendation. Arbuthnot was hung, and Ambrister was shot, on the day of the finding of the sentence. Many may disapprove of the conduct of General Jackson, but none could find fault with the court. A little more time might have been allowed to those who had violated every law. This, however, was not done.

On the 10th of May, General Jackson, after having left strong garrisons at St. Mark's, Fort Scott, and Fort Gadsden, crossed the Apalachicola, and, on the 22d, arrived at Escambia, not far above Pensacola. On the 24th, he entered the city. On the 25th, the Barrancas, to which the governor and garrison had retired, was invested, and bombarded until the 27th, when it surrendered. The authorities were immediately shipped to the Havana. This expedition was unimportant, except in its events. General Gaines accompanied General Jackson in this expedition, which was in no respect calculated to afford any exhibition of talent or valor. The soldier who had defeated the picked veterans of the Peninsula, could do nothing worthy of his reputation when arrayed against a hybrid race of Spaniards and Indians. It must, however, be acknowledged by all who analyze this campaign, that the credit of the ar-



MATTHEW ARBUCKLE,
Colonel 7th Infantry, Brigadier-General by Brevet.





gements is due in a great degree to General Gaines, while all censure has been appropriated to others by their own declarations.

After the departure of General Jackson, General Gaines assumed the command, and, in obedience to instructions from General Jackson, he bombarded St. Augustine, which also surrendered. This was the termination of the Florida war, about the 25th of August.

Among the distinguished officers who served during this war, was General Matthew Arbuckle, colonel of the 7th infantry. This gallant old officer is one of the few who, having entered the service before the beginning of the present century, yet remain in it. Appointed at an early age, he served during the whole of the last war with Great Britain, in the south and west, having been at Mobile at the time of the attack upon it, and accompanied Generals Jackson and Gaines in the Seminole campaign. During it, he was a lieutenant-colonel; and, on the 16th of March, 1820, was promoted to the command of his present regiment. Ten years afterwards, he received the brevet of brigadier-general. For the last thirty years, General Arbuckle has occupied the important command of the department in which is Fort Gibson, and the superintendence of the many powerful tribes of Indians within it. By his firmness, he has maintained them always in peace, and has acquired a paramount influence over them. No officer of the army has probably been trusted with more important and confidential duties, or has more ably discharged them.

General Arbuckle is the son of the distinguished officer of the same name who, before the revolution, defeated *Logan* near the mouth of the Kanawha, and

who has been so frequently referred to by Mr. Jeff in his "Notes on Virginia."

General Arbuckle is now about seventy-five or seventy-six years of age, and is a native of the county of Botetourt, in Virginia.

CHAPTER V.

GAINES—(*Continued.*)

Gaines commands the western department—Black Hawk war—Florida war—Ouithlagoochie—Unsuccessful negotiation—Capture of Osceola—General Clinch.

THE military establishment of the United States, in 1821, was very much reduced. General Jackson had resigned his commission in 1818, and but three general officers, besides the quartermaster-general, were retained in the service. General Gaines commanded the western department. His eye was directed to every part of his wide command, and he ever exhibited the same promptness to defend the rights of the most valueless frontier settlement, which he would have displayed towards the opulous cities of the north or south.

In the summer of 1832, when the outrages of the Saukees and the border whites first became known, he acted with promptness and decision, and entered Black Hawk's town with the same energy, which actuated him when he captured Saint Augustine. Superseded afterwards, he retired calmly; and it is the duty of the annalist to state, that those for whom he made way, accomplished less with a greater expenditure of blood. He returned to his station only to leave it, when again summoned to defend another portion of his country.

The origin of the Florida war, even now, is hidden in mystery. It is difficult to believe that the Indians meditated hostility to the government, but on the other

hand it is far more probable that they were driven into it by the aggressions of the whites. The existence of the Indians as a half-recognised government, had been too great an inducement for malecontent negroes to escape to be resisted, and frequent collisions had occurred during every year since the flags were changed. The older members of the tribes who had been defeated by Gaines and Jackson had died away, and in the course of sixteen years a new generation had grown up preserving the animosity, but unmindful of the experience of their fathers. The stories of the old Indian war had been preserved also by the whites, and its wild excitement was remembered, while its sad teachings were forgotten.

On the 10th of July, a party of Seminoles went into the territory of the whites in pursuit of game, the chase of which began on their side of the line. Their hunt was successful, and they made a new appointment for the fifth day afterwards. It was kept, but several of the party were taken and severely outraged by the whites. An Indian never forgets or forgives. The vengeance was not long hoarded, however, for other Indians came up; a collision ensued, in the course of which three whites were wounded and one Indian killed.

The origin of this war, and the massacre of Major Dade's command, have been fully explained in another book. It remains for us now only to refer to the participation in it of General Gaines.

Dade's massacre, it will be remembered, occurred on the 24th of December, 1835, and produced a thrill of horror throughout the whole land not yet effaced. On the evening of the same day, General Thompson, the Seminole agent, and three lieutenants of the army, as

mentioned previously, were shot while in sight of the pickets of Fort King, from which they most imprudently had wandered.

Osceola, afterwards so famous, and extolled almost into the hero-world by people who knew little of his real character, which, after all, was but that of a drunken Indian desperado, was the leader of this party. The insolence of the act was only equal to its daring, for within Fort King at the time was General D. L. Clinch with two hundred regulars, and General Call with five hundred volunteers. With this force General Clinch immediately left the fort, and having crossed the Outhlaggoochie with a portion of his command, the residue having exhibited some tardiness, was attacked by the Indians. He ultimately beat them off with the severe loss of sixty-three killed and wounded. The force of the Indians in this battle was but little more numerous than Clinch's, the mass of whom, however, refused to cross the river.

The battle, nevertheless, was by no means decisive, and small parties of Indians overran the whole territory, carrying devastation into every neighborhood. Even in the immediate vicinity of St. Augustine, sugar plantations were ravaged, machinery destroyed, and slaves carried off, to the amount in all of nearly one hundred thousand dollars.

While this was being done, General Gaines, who had received information, had been busy making preparations, and on the 13th of January, 1836, landed at Fort Brooke, on Tampa Bay, and with the reinforcements he had brought found himself at the head of twelve hundred men. He immediately proceeded towards Fort King, which was menaced by a large force, and arrived there on the 2d of February, without, however, meet-

GENERAL OFFICERS.—GAINES.

my. This was a campaign by no means of the general, who set out to search for a long detour through the whole country north of Fort Brooke and west of Fort King.

On the 27th of February, as he was crossing the Alagoochie, the Indians attacked him in force, but a sharp conflict of nearly an hour, retired with much

On the next day, when the attempt to cross the river was renewed, the enemy again came to the assault and were again beaten back with the loss to General Gaines's command of the lieutenant James Izard, a lieutenant of the 1st dragoons, serving in the staff of the general, who by his daring and gallantry seemed to seal his fate. General Gaines now threw up a breastwork for the purpose of defending himself to the extremity.

Provisions were nearly exhausted, and there was the danger that the army would be forced, encumbered as it was with many wounded, to make the hazardous attempt to cut its way through. On the 20th, however, the enemy made another attack, and advanced boldly to storm the breastwork. They were resisted with great resolution, the officers and men firing almost incessantly on them. In this attack, General Gaines was wounded in the mouth with a spent ball, which, though doing no serious injury, occasioned him great pain. He continued on the field, however, exercising his command, until the Seminoles again retired.

Before they did so, however, they attempted a *ruse*, which had nearly succeeded, but for an accident which could not have been foreseen. The front of the breastwork for some distance was covered with the tall wiry grass peculiar to the prairies of Florida, which, at that season of the year, was dry as tinder. This the enemy

set fire to, with the intention of driving the Americans from their defences. In a few minutes, everything was covered by a dense smoke, and the works were obviously in danger of being untenable. The wind fortunately changed, and the fire was swept over the ground occupied by the Seminoles, burning their provisions and exposing them to the American fire. Soon after, General Clinch arrived with reinforcements, and General Gaines was enabled to resume active operations. The Indian loss in these affairs was very severe, and General Gaines lost, in killed and severely wounded, thirty-two officers and men.

On the 5th of March, a messenger reached General Gaines, stating that Osceola wished to meet him in council; a request to which the general acceded at once. Osceola and other chiefs came in on the next day, and proposed the Outhlagoochie as the boundary between the whites and themselves. This proposition General Gaines was not authorized to accede to, and he informed the chiefs that he could do nothing but require them to lay down their arms, and remain south of the river until the United States was ready to send them to the country assigned them, west of the Mississippi. The council terminated in nothing satisfactory; and, shortly after, the intelligence that General Scott had been assigned to the command of Florida, having reached him, General Gaines relinquished the direction of affairs to a junior, and the troops proceeded to Fort Drane, where they arrived on the 11th. General Gaines resumed his old head-quarters.

The participation of General Scott in the Florida war has already been given. He was succeeded by General Jesup, who accomplished little except the capture of Osceola, who, having come into the general's camp, was

retained a prisoner and sent from Florida to Sallust Island, in the harbor of Charleston, where he died after a short confinement. The circumstances of the capture of Osceola, and the fact that he was retained in confinement by the express authority of the president, induce belief that in this affair General Jessup obeyed orders.

In this and the previous Indian campaigns of General Jackson after the termination of the war of 1812-15, constant mention has been made of General Clinch, who, on more than one occasion, had done distinguished service. A full sketch of the career of this officer would comprise a history of Florida from the beginning of Nichols's operations to the present time; but scarcely comes within the compass of our plan, as he has long since left the service.

General Clinch is a native of Georgia, and was appointed in the army during the last war, an officer of one of the regiments intended to be raised in that section of country. As, however, it was, from the nature of the population of the country, almost impossible to recruit men like General Twiggs and other efficient officers of that wing of the army, he did but little active service. After the ratification of peace, however, he was retained in service. He was a lieutenant-colonel by brevet on the 10th of July, 1836, when he destroyed the negro fort on the Apalachicola, with a skill and promptness which won for him the greatest praise, and served through the whole of the subsequent campaigns with Jackson and Gaines. We have already, in the sketches of Generals Scott and Gaines, seen how distinguished a part he played in their operations in Florida.

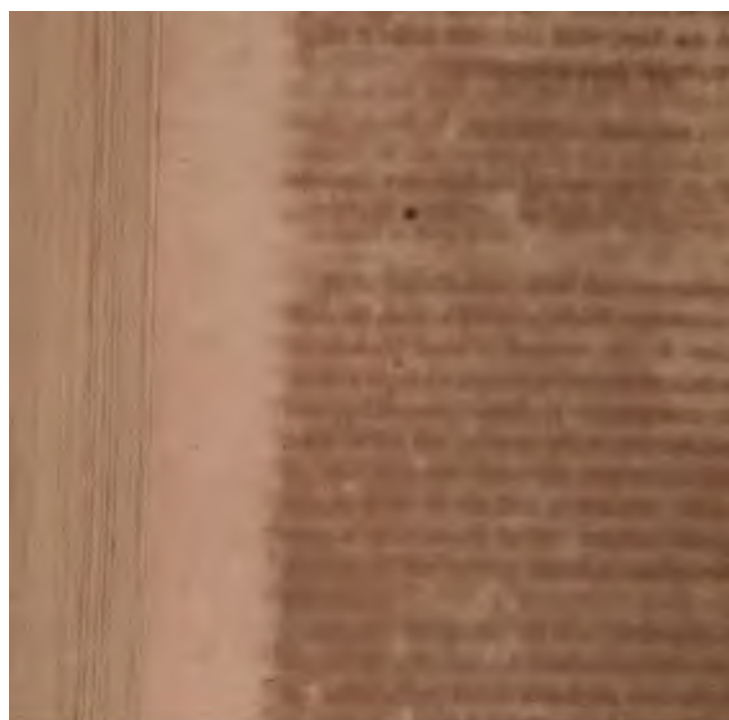
In 1836, General Clinch resigned his commission for private reasons, and established himself in Georgia. He had long been stationed in Florida, where he had become







DUNCAN L. CLINCH,
Late Colonel 4th Infantry, Brigadier-General by Brevet.



the proprietor of an extensive plantation, which for years after it had been devastated by the enemy preserved marks of wonderful beauty and fertility. General Clinch is yet in the vigor of life, and would bring to high rank, were it conferred on him, what alone can make it valuable to the nation, experience and courage.

CHAPTER VI.

GAINES.—(*Continued.*)

Mexican war—General Gaines's action in calling out volunteers—His services—Finding of the court—General Gaines ordered to New York.

GENERAL GAINES, after this campaign, was relieved from all duty in Florida, which was considered to belong to General Scott's department. It subsequently was made a separate command, to which almost all the generals and brevet generals of that day were assigned. The tenor of his life for some years was uninterrupted, except by the frequent tours of inspection he made to the remote parts on the Indian frontier. His command was always maintained in the strictest discipline, and the returns of the whole division made with the utmost exactitude.

During this period of his life he eliminated the system of defence, and the centralization of resources, which has attracted so much attention, and which, though now scarcely calculated for the condition of the country, ultimately must be adopted or imitated.

His head-quarters were subsequently changed to St. Louis, and again to New Orleans, where, at the commencement of the Mexican war, he was stationed.

When the Mexican war began, General Gaines heard with much anxiety of the demonstrations made by the ~~new~~ republic against General Taylor, and immediately

and, on his hands and knees, escaped to the American position.

He was long stationed in Florida as lieutenant-colonel of the regiment of Colonel (brevet Brigadier-General) D. L. Clinch, and was honored by having his name assigned to the beautiful post built immediately at the mouth of the Hillsborough river, on the bay of the same name, above its confluence with Tampa, or Espirita Santo. While in Florida he acquired great influence over the Seminoles, and it was considered by many would have had much authority in terminating that unhappy contest.

On the 15th of July, 1841, however, General Brooke, having become colonel of the 5th foot, had been transferred to the upper lakes; and, even when his regiment was ordered south, he was left in command of a geographical department, probably because his high rank by brevet would have brought him into conflict with almost any one who could have been ordered thither. He now commands in New Orleans; and, by his unceasing diligence in ministering to the wants of his superiors, has won the commendation both of the army and the government.

General Brooke is a member of a family of soldiers. One of his cousins, the Honorable Henry Brooke, was an officer of distinction in the Virginia line of the revolutionary army, and is now borne on the half-pay list of that army. Since, as one of the justices of the court of appeals of Virginia, he has won great celebrity. The lamented Lieutenant Frank Brooke, of the 6th infantry, killed at the battle of Okee-Chobee, was also a near relative of the general, who has several other kinsmen in the military and naval service of the country.

General Brooke was born and educated in Virginia,

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and, during the early portion of his life, was pupil of the now well known Thomas Ritchie, senior editor of the Washington Union. Though he has been nearly forty years in the service, General Brooke is still hale and strong, with much more yet to do before he lays down his honors.

Such was the man appointed to succeed General Gaines. It is a matter of congratulation to him that his place was filled by a veteran worthy to do so.

Not content with depriving Gaines of command, the government issued orders for a court of inquiry, which convened at Fortress Monroe on the 20th of July, 1846, to investigate the facts of his requisition, undenied, not contradicted, and therefore no subjects of inquiry. The court made the following report, in relation to the facts and circumstances:

“FACTS.

* * * * *

General Gaines learned, at New Orleans, about the 1st of May, 1846, that a Mexican army, of superior force to the army under General Taylor, was advancing to invade Texas, and that actual war was impending. He was informed officially from General Taylor of his situation, and what auxiliary force of volunteers he had called from the states, viz., four regiments from Louisiana, and four regiments from Texas; and he was requested by General Taylor to aid the governor of Louisiana in equipping and forwarding the troops of that state.

On the receipt of this information, General Gaines wrote to the governors of Mississippi, Alabama, Tennessee, Kentucky, and Missouri, advising them to anticipate a call from the president of the United States, for volunteers, and to make preparations to raise the troops. It was not, however, in form, a requisition on them to

send forward troops before they were called for by the president."

The court also found that, between the 3d and 3d of May, various volunteers were mustered into service, and supplied with public stores, and also that "when General Gaines was relieved from command of the western division, and ordered to repair to Washington city, and, in execution of said order, had arrived at Mobile on the 12th of June, he was then and there informed, by the governor of Alabama, that much disorder prevailed among the regiments of volunteers assembled at that point by the president of the United States; for which reason the governor applied to General Gaines to receive into the service of the United States, for the proper government of those volunteers, Brigadier-General Smith, whom the governor had commissioned to command them, and his staff. Whereupon, General Gaines did receive and muster into service various persons as officers of the general staff.

The order of General Gaines published in this case, directed that it should remain in force till final instructions should be received from the proper authorities at Washington; and further directed General Smith to organize the volunteers, and as soon as the said organization should be completed, to proceed with them without delay to the seat of war.

The appointment by General Gaines of certain volunteers and others to staff offices, as shown in the official documents sent as evidence to the court, not being stated in the order appointing the court, as one of the matters into which it is directed to inquire, it is not considered in this statement of facts, nor in the opinion of the court. The facts and circumstances, however, are set forth in

the evidence for the information of the department of war.*

In regard to issues of public stores by order of General Gaines, the court find that he ordered the issue of ordnance and ordnance stores to arm and equip all the volunteers called out by him ; also, when necessary, for those called out by General Taylor ; also, that he ordered the quartermaster's department to furnish camp equipage and quartermaster's supplies ; also, he ordered the commissaries to furnish subsistence to all volunteers arriving at the general rendezvous for muster, and to issue to them previous to the muster.

The court also find an issue by order of General Gaines of two pieces of field artillery, and twenty-five rounds of ammunition to two private gentlemen and planters in the parish of West Baton Rouge, for the protection of the parish against the slave population, on condition of the return of the guns when called for."

The court of course found that for all this General Gaines had no authority, other than the necessity of the case in his opinion, and censured his conduct ; at the same time that they complimented him thus :

" Having now reported their finding and opinion, the court recommend to the favorable consideration of the president the good and patriotic motives, and the public zeal, by which, as the court believe, General Gaines was actuated in all these transactions, and therefore they recommend that no further proceedings be had in this case."

* Much stress was laid on the fact that General Gaines had appointed staff officers of the Alabama volunteers. He had, however, a precedent, General Jackson having, according to his own report of the operations in Florida against the hostile Indians and Spaniards, appointed several persons officers of the regular army.—*Vide State Papers*, 1818,

The necessity of the case was the only reason ever assigned by General Gaines for his action in this case, and public opinion now fully approves of his course.

The finding of the court was approved of, and Secretary Marcy published it to the army, August 18, 1846.

At this time there is little doubt that the administration, through the means of Santa Anna, expected an immediate peace. Such, however, was not the case. Subsequent events have made it certain, that had the levies made by General Gaines been sent to General Taylor, peace would have been conquered. This mistake of the administration cannot, however, now be corrected.

It has again directed attention to General Gaines, whose course was too far in advance of the *pas* of the administration, in both military knowledge and acquaintance with Mexico, to be approved. None can deny now that every man he called for should have been sent to Mexico.

Since the adjournment of the court, General Gaines has commanded the eastern department, to which he was immediately assigned. His head-quarters are in **the city of New York.**

APPENDIX.

ARTICLES OF WAR.

AN ACT FOR ESTABLISHING RULES AND ARTICLES FOR THE GOVERNMENT OF THE ARMIES OF THE UNITED STATES.*

SECTION 1. . . . *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, from and after the passing of this act, the following shall be the rules and articles by which the armies of the United States shall be governed:

Rules and articles by which the armies of the U. States are to be governed, after the passing of this act.

ARTICLE 1. . . . Every officer now in the army of the United States shall, in six months from the passing of this act, and every officer who shall hereafter be appointed shall, before he enters on the duties of his office, subscribe these rules and regulations.

Every officer to subscribe these rules and regulations.

ART. 2. . . . It is earnestly recommended to all officers and soldiers diligently to attend Divine service; and all officers who shall behave indecently or irreverently at any place of Divine worship shall, if commissioned officers, be brought before a General Court-Martial, there to be publicly and severely reprimanded by the president; if non-commissioned officers or soldiers, every person so offending shall, for his first offence, forfeit one-sixth of a dollar, to be deducted out of his next pay; for the second offence, he shall not only forfeit a like sum, but be confined twenty-four hours; and for every like offence shall suffer and pay in like manner; which money, so forfeited, shall be applied, by the captain or senior officer of the troop or company, to the use of the sick soldiers of the company or troop to which the offender belongs.

Officers and soldiers diligently to attend Divine service, and behave decently & reverently, under pain of reprimand, fine, &c.

ART. 3. . . . Any non-commissioned officer or soldier who shall use any profane oath or execration, shall incur the penalties expressed in the foregoing article; and a commissioned officer shall forfeit and pay for each and every such offence, one dollar, to be applied as in the preceding article.

Reprimand, fine, &c., for using profane oaths or execrations, &c.

* These rules and articles, with the exceptions indicated by the notes, annexed to articles 20, 65, and 87, remain unaltered, and in force at present.

Chaplains absenting themselves, except, &c., liable to fine or discharge, &c.

ART. 4....Every Chaplain commissioned in the army or armies of the United States, who shall absent himself from the duties assigned him (excepting in cases of sickness or leave of absence), shall, on conviction thereof before a court-martial, be fined not exceeding one month's pay, besides the loss of his pay during his absence; or be discharged, as the said court-martial shall judge proper.

Officers using contemptuous words against the President, V. President, Congress, &c., to be cashiered, &c.; and non-commissioned officers & soldiers to suffer punishment by sentence of a court-martial.

ART. 5....Any officer or soldier who shall use contemptuous or disrespectful words against the President of the United States, against the Vice President thereof, against the Congress of the United States, or against the Chief Magistrate or Legislature of any of the United States, in which he may be quartered, if a commissioned officer, shall be cashiered, or otherwise punished, as a court-martial shall direct; if a non-commissioned officer or soldier, he shall suffer such punishment as shall be inflicted on him by the sentence of a court-martial.

Officers or soldiers behaving with disrespect towards comm'g officers, to be punished by the judgment of a court-martial.

ART. 6....Any officer or soldier who shall behave himself with contempt or disrespect towards his commanding officer, shall be punished, according to the nature of his offence, by the judgment of a court-martial.

Death, &c., for beginning or exciting mutiny, &c.

ART. 7....Any officer or soldier who shall begin, excite, cause, or join in, any mutiny, or sedition, in any troop or company in the service of the United States, or in any party, post, detachment, or guard, shall suffer death, or such other punishment as by a court-martial shall be inflicted.

Officers or soldiers, present at a mutiny, & not endeavoring to suppress it, &c., to be punished with death or otherwise, &c.

ART. 8....Any officer, non-commissioned officer, or soldier, who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or coming to the knowledge of any intended mutiny, does not, without delay, give information thereof to his commanding officer, shall be punished by the sentence of a court-martial with death, or otherwise, according to the nature of his offence.

Officers or soldiers striking a superior, &c., to suffer death, or other punishment, &c.

ART. 9....Any officer or soldier who shall strike his superior officer, or draw or lift up any weapon, or offer any violence against him, being in the execution of his office, on any pretence whatsoever, or shall disobey any lawful command of his superior officer, shall suffer death, or such other punishment as shall, according to the nature of his offence, be inflicted upon him by the sentence of a court-martial.

Non-commissioned officers &

ART. 10....Every non-commissioned officer or soldier, who shall enlist himself in the service of the

United States, shall, at the time of his so enlisting, or within six days afterwards, have the Articles for the government of the armies of the United States read to him, and shall, by the officer who enlisted him, or by the commanding officer of the troop or company into which he was enlisted, be taken before the next justice of the peace, or chief magistrate of any city or town corporate, not being an officer of the army, or where recourse cannot be had to the civil magistrate, before the judge-advocate, and in his presence, shall take the following oath or affirmation: "I, A. B., do solemnly swear or affirm (as the case may be), that I will bear true allegiance to the United States of America, and that I will serve them honestly and faithfully against all their enemies or opposers whatsoever; and observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the Rules and Articles for the government of the armies of the United States." Which justice, magistrate, or judge-advocate, is to give the officer a certificate, signifying that the man enlisted did take the said oath or affirmation.

soldiers to have the articles for the government of the armies read to them, and take an oath, &c.

Form of oath.

The justice, &c. to give a certificate that the oath was taken.

ART. 11....After a non-commissioned officer, or soldier, shall have been duly enlisted and sworn, he shall not be dismissed the service, without a discharge in writing; and no discharge granted to him shall be sufficient, which is not signed by a field officer of the regiment to which he belongs, or commanding officer, where no field officer of the regiment is present; and no discharge shall be given to a non-commissioned officer or soldier, before his term of service has expired, but by order of the President, the Secretary of War, the commanding officer of a department, or the sentence of a general court-martial; nor shall a commissioned officer be discharged the service, but by order of the President of the United States, or by sentence of a general court-martial.

Non-commissioned officers and soldiers not to be dismissed the service without a discharge in writing.

No discharge sufficient unless signed by a field officer, &c.

No discharge, &c., before the term of service has expired, but by order of the President, &c.

Command'g officers not to be discharged, &c.

ART. 12....Every Colonel or other officer commanding a regiment, troop, or company, and actually quartered with it, may give furloughs to non-commissioned officers or soldiers, in such numbers, and for so long a time, as he shall judge to be most consistent with the good of the service; and a Captain, or other inferior officer, commanding a troop or company, or in any garrison, fort, or barrack, of the United States, (his field officer being absent,) may give furloughs to non-commissioned officers or soldiers, for a time not

Colonels, &c., quartered with their regiments, &c., may give furloughs to non-commissioned officers or soldiers, &c.

Captains, &c., commanding, &c., may give furloughs to non-commissioned officers or soldiers, &c.

every troop or company must be mustered every six months, but not to less than six months, to be absent at the same time, excepting some extraordinary occasion should require it.

Art. 11. At every muster, the commanding officer of each regiment, troop or company, there present, shall give to the Commissary of Musters, or other officer who musters the said regiment, troop, or company, certificates signed by himself, signifying how long such officers as shall not appear at the said muster, have been absent, and the reasons of their absence. In like manner the commanding officer of every troop or company shall give certificates, signifying the reasons of the absence of the non-commissioned officers and private soldiers: which reasons, and time of absence, shall be inserted in the muster-rolls, opposite the names of the respective absent officers and soldiers. The certificates shall, together with the muster-rolls, be returned to the Commissary of Musters, or other officer mustering in the Department of War, as speedily as the nature of the place will admit.

Art. 12. Every officer who shall be convicted before a general court-martial, of having signed a false certificate, relating to the absence of either officer or private soldier, or relative to his or their pay, shall be cashiered.

Art. 13. Every officer who shall knowingly make a false muster of man or horse, and every officer or private soldier of Musters, who shall willingly sign, or cause to be signed, the signing of muster-rolls, wherein such a false muster is contained, shall, upon proof made thereof by two witnesses, before a general court-martial, be cashiered, and shall be thereby utterly disqualified to have or hold any office or employment in the service of the United States.

Art. 14. Any Commissary of Musters, or other officer, who shall be convicted of having taken money, or any other thing, by way of gratification, on mustering any regiment, troop, or company, or on signing muster-rolls, shall be cashiered from his office, and shall be forever disqualified to have or hold any office or employment in the service of the United States.

Art. 15. Any officer who shall presume to muster a private soldier as a soldier, who is not a soldier, shall be cashiered, and found guilty of having made a false muster, and shall suffer accordingly.

Art. 16. Every officer who shall knowingly make a false return to the Department of War, or to any of

his superior officers, authorized to call for such returns, of the state of the regiment, troop, or company, or garrison, under his command; or of the arms, ammunition, clothing, or other stores thereunto belonging, shall, on conviction thereof before a court-martial, be cashiered.

ART. 19.... The commanding officer of every regiment, troop, or independent company, or garrison, of the United States, shall, in the beginning of every month, remit, through the proper channels, to the Department of War, an exact return of the regiment, troop, independent company, or garrison, under his command, specifying the names of the officers then absent from their posts, with the reasons for and the time of their absence. And any officer who shall be convicted of having, through neglect or design, omitted sending such returns, shall be punished, according to the nature of his crime, by the judgment of a general court-martial.

Command'g officers of regiments, &c., to remit, in the beginning of every month, to the Department of War, an exact return of the regiment, &c., specifying the names of officers absent, &c.

Officers neglecting to send returns, to be punished, &c.

ART. 20.... All officers and soldiers who have received pay, or have been duly enlisted in the service of the United States, and shall be convicted of having deserted the same, shall suffer death, or such other punishment as, by sentence of a court-martial, shall be inflicted.*

Officers and soldiers convicted of desertion, &c. to suffer death or other punishment, &c.

ART. 21.... Any non-commissioned officer or soldier who shall, without leave from his commanding officer, absent himself from his troop, company, or detachment, shall, upon being convicted thereof, be punished according to the nature of his offence, at the discretion of a court-martial.

Non-commissioned officers or soldiers absenting themselves without leave, to be punished, &c.

ART. 22.... No non-commissioned officer or soldier shall enlist himself in any other regiment, troop, or company, without a regular discharge from the regiment, troop, or company, in which he last served, on the penalty of being reputed a deserter, and suffering accordingly. And in case any officer shall knowingly receive and entertain such non-commissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him, and give notice thereof to the corps in which he last served, the said officer shall, by a court-martial, be cashiered.

Non-commissioned officers or soldiers not to enlist in any other regiment, &c., without regular discharge, &c.

Officers knowingly receiving deserters, &c., or not giving notice &c., to be cashiered.

ART. 23.... Any officer or soldier who shall be convicted of having advised or persuaded any other officer or soldier to desert the service of the United States, shall suffer death, or such other punishment as shall be inflicted upon him by the sentence of a court-martial.

Officers or soldiers persuading others to desert, to suffer death or other punishment, &c.

Officer or soldier shall not use any words or gestures to insult or provoke another upon pain, if an officer, of being put in arrest; if a soldier, of being confined, and of asking pardon of the party insulted, in the presence of his commanding officer.

Officer or soldier shall not send a challenge to another officer or soldier, to fight a duel, except a challenge if sent, upon pain, if a commissioned officer, of being confined; if a non-commissioned officer or soldier, of suffering corporal punishment, at the discretion of a court-martial.

Officer commanding a guard, shall knowingly and willingly suffer any person whatsoever to go forth to fight a duel, he shall be punished as a challenger; and all servants, promoters, and carriers of challenges, in order to duels, shall be deemed principals, and be punished accordingly. And it shall be the duty of every officer commanding an army, regiment, company, post, or detachment, who is knowing to a challenge being given or accepted by any officer, non-commissioned officer, or soldier, under his command, or has reason to believe the same to be the case, immediately to arrest and bring to trial such offenders.

Every officer commanding an army, regiment, company, post, or detachment, shall have power to part and quell all quarrels, frays, and disorders, though the persons concerned should belong to another regiment, troop, or company; and either to order officers into arrest, or non-commissioned officers or soldiers into confinement, until their proper superior officers shall be acquainted therewith; and whosoever shall refuse to obey such officer (though of an inferior rank), or shall draw his sword upon him, shall be punished at the discretion of a general court-martial.

Officers or soldiers upbraiding another for refusing a challenge, to be punished as challengers, &c.

Officers or soldiers upbraiding another for refusing a challenge, to be punished as challengers, &c.

Soldiers not permitted to sell any kind of liquors or victuals, or to keep their houses or shops open for the entertainment of soldiers, after nine at night, or before the beating of the reveille, or upon Sundays, during divine service or sermon, on the penalty of being dismissed from all future sutling.

ART. 30. . . . All officers commanding in the field, forts, barracks, or garrisons, of the United States, are hereby required to see that the persons permitted to ~~sutle~~ ^{Command'g officers to see that sutlers supply the soldiers with wholesome provisions, &c.} shall supply the soldiers with good and wholesome provisions, or other articles, at a reasonable price, as they shall be answerable for their neglect.

ART. 31. . . . No officer commanding in any of the garrisons, forts, or barracks, of the United States, shall exact exorbitant prices for houses or stalls, let out to sutlers, or connive at the like exactions in others; nor by his own authority, and for his private advantage, lay any duty or imposition upon, or be interested in, the sale of any victuals, liquors, or other necessaries of life brought into the garrison, fort, or barracks, for the use of the soldiers, on the penalty of being discharged from the service. ^{Officers commanding in garrisons, forts, &c., not to exact exorbitant prices for houses, &c., let out to sutlers, nor be interested in the sale of victuals, liquors, &c. on penalty of being discharged.}

ART. 32. . . . Every officer commanding in quarters, garrisons, or on the march, shall keep good order, and, to the utmost of his power, redress all abuses or disorders which may be committed by any officer or soldier under his command; if upon complaint made to him of officers or soldiers beating or otherwise ill-treating any person, or disturbing fairs or markets, or of committing any kind of riots, to the disquieting of the citizens of the United States, he, the said commander, who shall refuse or omit to see justice done to the offender or offenders, and reparation made to the party or parties injured, as far as part of the offender's pay shall enable him or them, shall, upon proof thereof, be cashiered, or otherwise punished, as a general court-martial shall direct. ^{Command'g officers to keep good order, redress abuses, and see reparation made to the parties injured, &c.}

ART. 33. . . . When any commissioned officer or soldier shall be accused of a capital crime, or of having used violence, or committed any offence against the person, or property of any citizen of any of the United States, such as is punishable by the known laws of the land, the commanding officer and officers of every regiment, troop, or company, to which the person or persons so accused shall belong, are hereby required, upon application duly made by, or in behalf of the party or parties injured, to use their utmost endeavors to deliver over such accused person or persons to the civil magistrate, and likewise to be aiding and assisting to the officers of justice in apprehending and securing the person or persons so accused, in order to bring him or them to trial. If any commanding officer or officers shall willfully neglect, or shall refuse, upon the application aforesaid, to deliver over such accused person or persons to the ^{When any commissioned officer or soldier is accused of a capital crime, or of having committed any offence against the persons or property of citizens, &c., the commanding officers, &c., are required upon application, &c., to use their utmost endeavors to deliver the accused to the civil magistrate, &c.} ^{If any comm'g officer, &c., neglects or refuses to deliver a}

the accused, &c. he is to be cashiered.

If any officer think himself wronged by his colonel, &c., and upon application is refused redress he may complain to the general, who is to examine into the complaint, &c.

If any inferior officer or soldier think himself wronged by his captain, &c., he is to complain to the commanding officer of the regiment, who is required to summon a regimental court-martial, &c.

If the appeal appear vexatious and groundless, the person so appealing shall be punished at the discretion of the said court-martial.

Commissioned officers, store-keepers, &c. convicted of having sold without a proper order, &c., any provisions, forage, arms, &c., or negligently suffered any of them to be spoiled, &c., to make good the loss, forfeit pay, &c.

Non-commissioned officers or soldiers convicted of having sold or wasted ammunition, &c., to be punished, &c.

Non-commissioned officers or soldiers convicted of having sold, lost, or spoiled their horses, arms, clothes, &c. to undergo weekly stoppages of pay, &c.

civil magistrates, or to be aiding and assisting to detectors of justice in apprehending such persons or punishing the officer or officers so offending shall be cashiered.

ART. 34. . . If any officer shall think himself wronged by his Colonel, or the commanding officer of the regiment, and shall, upon due application being made to him, be refused redress, he may complain to the General commanding in the State or Territory where said regiment shall be stationed, in order to obtain justice; who is hereby required to examine into said complaint, and take proper measures for redressing the wrong complained of, and transmit, as soon as possible, to the Department of War, a true state of such complaint, with the proceedings had thereon.

ART. 35. . . If any inferior officer or soldier shall think himself wronged by his Captain or other officer, he is to complain thereof to the commanding officer of the regiment, who is hereby required to summon a regimental court-martial for doing justice to the complainant; from which regimental court-martial either party may, if he thinks himself still aggrieved, appeal to a general court-martial. But if upon a second hearing the appeal shall appear vexatious and groundless, the person so appealing shall be punished at the discretion of the said court-martial.

ART. 36. . . Any commissioned officer, storekeeper, or commissary, who shall be convicted at a general court-martial of having sold, without a proper order for that purpose, embezzled, misapplied, or wilfully, or through neglect, suffered any of the provisions, forage, arms, clothing, ammunition, or other military stores, belonging to the United States, to be spoiled, or damaged, shall, at his own expense, make good the loss or damage, and shall, moreover, forfeit all his pay, and be dismissed from the service.

ART. 37. . . Any non-commissioned officer or soldier, who shall be convicted at a regimental court-martial, of having sold, or designedly, or through neglect, wasted the ammunition delivered out to him, to be employed in the service of the United States, shall be punished at the discretion of such court.

ART. 38. . . Every non-commissioned officer or soldier who shall be convicted, before a court-martial, of having sold, lost, or spoiled through neglect, his horse, arms, clothes, or accoutrements, shall undergo such weekly stoppages (not exceeding the half of his pay) as such court-martial shall judge sufficient, for repairing the loss or damage; and shall suffer confinement, or such other corporal punishment as his crime shall deserve.

ART. 39. . . . Every officer, who shall be convicted before a court-martial, of having embezzled, or misapplied, any money with which he may have been intrusted, for the payment of the men under his command, or for enlisting men into the service, or for other purposes, if a commissioned officer, shall be cashiered, and compelled to refund the money; if a non-commissioned officer, shall be reduced to the ranks, be put under stoppages until the money be made good, and suffer such corporeal punishment as such court-martial shall direct.

Officers convicted of embezzlement or misapplication of money intrusted to them for the payment of men, &c. to be cashiered, and compelled to refund; if non-commissioned officers, to be reduced, &c.

ART. 40. . . . Every Captain of a troop, or company, is charged with the arms, accoutrements, ammunition, clothing, or other warlike stores, belonging to the troop or company, under his command, which he is to be accountable for to his Colonel, in case of their being lost, spoiled or damaged, not by unavoidable accidents, or on actual service.

Every captain of a troop or company accountable for arms, accoutrements, &c. belonging to the company or troop, &c.

ART. 41. . . . All non-commissioned officers and soldiers who shall be found one mile from the camp, without leave in writing from their commanding officer, shall suffer such punishment as shall be inflicted upon them by the sentence of a court-martial.

Non-commissioned officers and soldiers found one mile from camp, without leave in writing, &c., to suffer punishment, &c.

ART. 42. . . . No officer or soldier shall lie out of his quarters, garrison, or camp, without leave from his superior officer, upon penalty of being punished according to the nature of his offence, by the sentence of a court-martial.

No officer or soldier to lie out of quarters, &c., without leave, &c.

ART. 43. . . . Every non-commissioned officer and soldier shall retire to his quarters or tent at the beating of the retreat; in default of which he shall be punished according to the nature of his offence.

Non-commissioned officers and soldiers to retire to their tents at the beating of the retreat, &c.

ART. 44. . . . No officer, non-commissioned officer, or soldier, shall fail in repairing, at the time fixed, to the place of parade, of exercise, or other rendezvous, appointed by his commanding officer, if not prevented by sickness, or some other evident necessity; or shall go from the said place of rendezvous, without leave from his commanding officer, before he shall be regularly dismissed or relieved, on the penalty of being punished, according to the nature of his offence, by the sentence of a court-martial.

No officer or soldier to fail in repairing to the place of parade, if not prevented by sickness, &c., nor leave it before being regularly dismissed, &c.

ART. 45. . . . Any commissioned officer who shall be found drunk on his guard, party, or other duty, shall be cashiered. Any non-commissioned officer or soldier so offending, shall suffer such corporeal punishment as shall be inflicted by the sentence of a court-martial.

Any commissioned officer found drunk on guard, &c., to be cashiered; and soldiers, &c., in that case, to suffer corporeal punishment, &c.

Sentinel sleeping on his post, &c., to suffer death, &c.

ART. 46. . . Any sentinel who shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, shall suffer death, or such other punishment as shall be inflicted by the sentence of a court-martial.

No soldier to hire another to do his duty for him, or be excused, but in cases of sickness &c.

ART. 47. . . No soldier belonging to any regiment, troop, or company, shall hire another to his duty for him, or be excused from duty, but in cases of sickness, disability, or leave of absence; and every such soldier found guilty of hiring his duty, as also the party so hired to do another's duty, shall be punished at the discretion of a regimental court-martial.

Non-commissioned officers, knowing & allowing it, to be punished, &c.

ART. 48. . . And every non-commissioned officer conniving at such hiring of duty aforesaid, shall be reduced; and every commissioned officer, knowing and allowing such ill practices in the service, shall be punished by the judgment of a general court-martial.

Any officer who occasions false alarms in camp, garrison, or quarters, &c., to suffer death, or other punishment.

ART. 49. . . Any officer belonging to the service of the United States, who, by discharging of fire-arms, drawing of swords, beating of drums, or by any other means whatsoever, shall occasion false alarms, in camp, garrison, or quarters, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

Officers or soldiers, without urgent necessity, or leave, quitting guard, &c., to be punished, &c.

ART. 50. . . Any officer or soldier, who shall, without urgent necessity, or without the leave of his superior officer, quit his guard, platoon, or division, shall be punished, according to the nature of his offence, by the sentence of a court-martial.

Officers & soldiers, who do violence to persons bringing provisions to camp, &c., out of the United States, on pain of death, &c.

ART. 51. . . No officer or soldier shall do violence to any person who brings provisions or other necessities to the camp, garrison, or quarters, of the forces of the United States, employed in any parts out of the said States, upon pain of death, or such other punishment as a court-martial shall direct.

Officers or soldiers, who have before the enemy, run away, &c., to suffer punishment, &c.

ART. 52. . . Any officer or soldier who shall misbehave himself before the enemy, run away, or shamefully abandon any fort, post, or guard, which he or they may be commanded to defend, or speak words inducing others to do the like; or shall cast away his arms and ammunition, or who shall quit his post or colors to plunder and pillage; every such offender, being duly convicted thereof, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

Persons belonging to the armies making known the watch-word.

ART. 53. . . Any person belonging to the armies of the United States, who shall make known the watch-word to any person who is not entitled to receive it ac-

According to the rules and discipline of war, or shall presume to give a parole or watchword different from what he received, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

etc., to suffer death or other punishment.

ART. 54. . . . All officers and soldiers are to behave themselves orderly in quarters and on their march; and whosoever shall commit any waste or spoil, either in walks of trees, parks, warrens, fish-ponds, houses, or gardens, cornfields, enclosures of meadows, or shall maliciously destroy any property whatsoever belonging to the inhabitants of the United States, unless by order of the then commander-in-chief of the armies of the said States, shall (besides such penalties as they are liable to by law), be punished according to the nature and degree of the offence, by the judgment of a regimental or general court-martial.

Officers and soldiers to behave orderly in quarters, etc., and such as commit waste, etc., unless by order of the commander-in-chief, etc., to be punished, etc.

ART. 55. . . . Whosoever, belonging to the armies of the United States employed in foreign parts, shall force a safe-guard, shall suffer death.

Whoever, in foreign parts, forces a safe-guard, is to suffer death.

ART. 56. . . . Whosoever shall relieve the enemy with money, victuals, or ammunition, or shall knowingly harbor or protect an enemy, shall suffer death or such other punishment as shall be ordered by the sentence of a court-martial.

Whoever relieves the enemy with money, victuals, etc., is to suffer death, or other punishment, etc.

ART. 57. . . . Whosoever shall be convicted of holding correspondence with, or giving intelligence to the enemy, either directly or indirectly, shall suffer death, or such other punishment as shall be ordered by the sentence of a court-martial.

Death, or other punishment, etc., for holding correspondence with or giving intelligence to the enemy, etc.

ART. 58. . . . All public stores taken in the enemy's camp, towns, forts, or magazines, whether of artillery, ammunition, clothing, forage, or provisions, shall be secured for the service of the United States; for the neglect of which the commanding officer is to be answerable.

Public stores taken in the enemy's camp, etc., to be secured for the service of the U. States.

ART. 59. . . . If any commander of any garrison, fortress, or post, shall be compelled, by the officers and soldiers under his command, to give up to the enemy, or to abandon it, the commissioned officers, non-commissioned officers, or soldiers, who shall be convicted of having so offended, shall suffer death, or such other punishment as shall be inflicted upon them by the sentence of a court-martial.

Death, etc., for the officers and soldiers of any garrison, etc., compelling a commander to give up to the enemy, etc.

ART. 60. . . . All sutlers, and retainers to the camp, and all persons whatsoever, serving with the armies of the United States in the field, though not enlisted soldiers, are to be subject to orders, according to the rules and discipline of war.

Sutlers and retainers subject to orders, etc.

*Officers serving
brevets of grade
may be promoted
to that of the
regiment in
which they serve
may take place
etc. according
to the rules given
them, etc.*

ART. 61. . . Officers serving brevets of promotion of a year rank in those of the regiment in which they serve. They take place in courts-martial and in general councils when commissioned in different corps according to the rules given them in their respective orders of the general court-martial: but in the regiment they are subject to which such officers belong. They shall be sent and take rank with in courts-martial and in councils which shall be composed of their own corps according to the circumstances of which they are composed in the said corps.

*If, upon marches,
etc., different
corps happen to
join, etc., the of-
ficer highest in
rank, etc., to
command, un-
less, etc.*

ART. 62. . . If, upon marches, bivouacs, or in quarters, different corps of the army shall happen to join, or be duty together, the officer highest in rank of the line of the army, marine corps, or militia, by commission, shall be on duty or in quarters. He shall command the whole, and give orders for what is necessary to the service, unless otherwise specially directed by the President of the United States, according to the nature of the case.

*Engineers not
to assume, nor
be subject to
any duty beyond
the line of their
immediate pro-
fession, except,
etc.*

ART. 63. . . The functions of the engineers being generally confined to the most elevated branch of military science, they are not to assume, nor are they subject to be ordered on any duty beyond the line of their immediate profession, except by the special order of the President of the United States; but they are to receive every mark of respect to which their rank in the army may entitle them respectively, and are liable to be transferred, at the discretion of the President, from one corps to another, regard being paid to rank.

*General courts-
martial may con-
sist of any num-
ber of command-
ing officers, from 3
to 13, etc.*

ART. 64. . . General courts-martial may consist of any number of commissioned officers, from five to thirteen, inclusively; but they shall not consist of less than thirteen, where that number can be convened without manifest injury to the service.

*General officers
in Colonel's com-
mand, etc., may
appoint General
Courts-Martial,
etc. No sentence
of a court-martial
to be carried into
execution until
the proceedings
have been laid
before the officer
ordering it, etc.
No sentence of a
General Court-
Martial in time of
peace, extending*

ART. 65*. . . Any general officer commanding an army, or Colonel commanding a separate department, may appoint general courts-martial whenever necessary. But no sentence of a court-martial shall be carried into execution until after the whole proceedings shall have been laid before the officer ordering the same, or the officer commanding the troops for the time being; neither shall any sentence of a general court-martial, in time of peace, extending to the loss of life, or the dismission of a commissioned officer, or which shall, either in time of peace or war, respect a general officer, be carried into execution, until after the whole proceedings shall have

been transmitted to the Secretary of War, to be laid before the President of the United States, for his confirmation or disapproval, and orders in the case. All other sentences may be confirmed and executed by the officer ordering the court to assemble, or the commanding officer for the time being, as the case may be.

to loss of life, etc. or which, in peace or war, respects a general officer, to be carried into execution until the proceedings have been laid before the President, etc.

ART. 66. . . . Every officer commanding a regiment or corps may appoint, for his own regiment or corps, courts-martial, to consist of three commissioned officers, for the trial and punishment of offences not capital, and decide upon their sentences. For the same purpose, all officers commanding any of the garrisons, forts, barracks, or other places where the troops consist of different corps, may assemble courts-martial, to consist of three commissioned officers, and decide upon their sentences.

Officers commanding regiments or corps, may appoint courts-martial, etc., for offences not capital.

Officers commanding garrisons, etc., may assemble courts-martial, etc.

ART. 67. . . . No garrison or regimental court-martial shall have the power to try capital cases, or commissioned officers; neither shall they inflict a fine not exceeding one month's pay, nor imprison, nor put to hard labor, any non-commissioned officer or soldier, for a longer time than one month.

No garrison or regimental court-martial empowered to try capital cases, etc.

ART. 68. . . . Whenever it may be found convenient and necessary to the public service, the officers of the marines shall be associated with the officers of the land forces, for the purpose of holding courts-martial and trying offenders belonging to either; and in such cases, the orders of the senior officer of either corps, who may be present, and duly authorized, shall be received and obeyed.

Whenever convenient, etc., the officers of marines shall be associated with officers of the land force, for holding courts martial, etc.

ART. 69. . . . The judge-advocate, or some person deputed by him, or by the general, or officer commanding the army, detachment, or garrison, shall prosecute in the name of the United States, but shall so far consider himself as counsel for the prisoner, after the said prisoner shall have made his plea, as to object to any leading question to any of the witnesses, or any question to the prisoner, the answer to which might tend to criminate himself; and administer to each member of the court, before they proceed upon any trial, the following oath, which shall also be taken by all members of the regimental and garrison courts-martial.

The Judge-Advocate, etc., to prosecute in the name of the U. States, but shall consider himself counsel for the prisoner so far, etc.

The Judge-advocate to administer an oath to each member of the court, etc.

" You, A. B., do swear, that you will well and truly try and determine, according to evidence, the matter now before you, between the United States of America, and the prisoner to be tried, and that you will duly administer justice, according to the provisions of 'An act establishing Rules and Articles for the government of the armies of the United States,' without partiality, favor, or affection; and if any doubt shall arise, not explained

Form of oath.

by said Articles, according to your conscience, the best of your understanding, and the custom of war in like cases; and you do further swear that you will not divulge the sentence of the court until it shall be published by the proper authority; neither will you disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, in a due course of law. So help you God."

The President of the court to administer an oath to Judge-Advocate.

And as soon as the said oath shall have been administered to the respective members, the president of the court shall administer to the judge-advocate, or person officiating as such, an oath in the following words:

Form of Judge-Advocate's oath.

"You, A. B., do swear, that you will not disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, in due course of law; nor divulge the sentence of the court to any but the proper authority, until it shall be duly disclosed by the same. So help you God."

When a prisoner, from obstinacy, etc., stands mute, etc., the court may proceed to trial, etc.

ART. 70. . . . When a prisoner, arraigned before a general court-martial, shall, from obstinacy and deliberate design, stand mute, or answer foreign to the purpose, the court may proceed to trial and judgment, as if the prisoner had regularly pleaded not guilty.

When a member is challenged by a prisoner, he must state the cause, etc.

ART. 71. . . . When a member shall be challenged by a prisoner, he must state his cause of challenge, of which the court shall, after due deliberation, determine the relevancy or validity, and decide accordingly; and no challenge to more than one member at a time, shall be received by the court.

Members to behave with decency; and the youngest, etc., to vote first.

ART. 72. . . . All the members of a court-martial are to behave with decency and calmness; and in giving their votes are to begin with the youngest in commission.

Witnesses to be examined on oath.

ART. 73. . . . All persons who give evidence before a court-martial, are to be examined on oath or affirmation, in the following form:

Form of oath of a witness.

"You swear, or affirm (as the case may be), the evidence you shall give in the cause now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God."

In cases not capital, etc., deposition may be taken, and read, etc., provided the prosecutor and accused are present, etc.

ART. 74. . . . On the trials of cases not capital, before courts-martial, the deposition of witnesses, not in the line or staff of the army, may be taken before some justice of the peace, and read in evidence; provided the prosecutor and person accused are present at the taking the same, or are duly notified thereof.

ART. 75. ... No officer shall be tried out by a general court-martial, nor by officers of an inferior rank, if it can be avoided. Nor shall any proceedings of trials be carried on, excepting between the hours of eight in the morning, and three in the afternoon, excepting in cases which, in the opinion of the officer appointing the court-martial, require immediate example.

No officer to be tried but by General court-mart'l, etc.
No proceedings except between eight and three, unless, etc.

ART. 76. ... No person whatsoever shall use any menacing words, signs or gestures in presence of a court-martial, or shall cause any disorder or riot, or disturb their proceedings, on the penalty of being punished, at the discretion of the said court-martial.

No person to use menacing words or gestures, etc., in presence of a court-mart'l, etc.

ART. 77. ... Whenever any officer shall be charged with a crime, he shall be arrested and confined in his barracks, quarters, or tent, and deprived of his sword, by the commanding officer. And any officer who shall leave his confinement before he shall be set at liberty by his commanding officer, or by a superior officer, shall be cashiered.

When an officer is charged with a crime, he is to be arrested, deprived of his sword, etc.

ART. 78. ... Non-commissioned officers and soldiers, charged with crimes, shall be confined until tried by a court-martial, or released by proper authority.

Non-commiss'd officers and soldiers charged with crimes to be confined, etc.

ART. 79. ... No officer or soldier who shall be put in arrest, shall continue in confinement more than eight days, or until such time as a court-martial can be assembled.

Officers and soldiers in arrest not to continue in confinement over 8 days, etc.

ART. 80. ... No officer commanding a guard, or provost marshal, shall refuse to receive or keep any prisoner committed to his charge, by an officer belonging to the forces of the United States; provided the officer committing shall, at the same time, deliver an account in writing, signed by himself, of the crime with which the said prisoner is charged.

No officer commanding a guard, etc., to refuse to receive a prisoner, provided, etc.

ART. 81. ... No officer commanding a guard, or provost marshal, shall presume to release any person committed to his charge, without proper authority for so doing, nor shall he suffer any person to escape, on the penalty of being punished for it by the sentence of a court-martial.

No officer commanding a guard, etc., to release any person committed to his charge, etc.

ART. 82. ... Every officer or provost marshal, to whose charge prisoners shall be committed, shall, within twenty-four hours after such commitment, or as soon as he shall be relieved from his guard, make report in writing, to the commanding officer, of their names, their crimes, and the names of the officers who committed them, on the penalty of being punished for disobedience or neglect, at the discretion of a court-martial.

Officers to whom prisoners are committed, to make report, etc. within 24 hours, of their names, crimes, etc.

ART. 83. ... Any commissioned officer convicted be-

Commissioned

officers convicted for a general court-martial of conduct unbecoming an officer and a gentleman, shall be dismissed the service, etc., etc.

ART. 84. . . . In cases where a court-martial may think it proper to sentence a commissioned officer to be suspended from command, they shall have power also to suspend his pay and emoluments for the same time, according to the nature and heinousness of the offence.

Where a commissioned officer is cashiered for cowardice or fraud, it shall be added in the sentence, that the crime, name, and place of abode, and punishment of the delinquent, be published in the newspapers, in and about the camp, and of the particular State from which the offender came, or where he usually resides; after which it shall be deemed scandalous for an officer to associate with him.

ART. 85. . . . In all cases where a commissioned officer is cashiered for cowardice or fraud, it shall be added in the sentence, that the crime, name, and place of abode, and punishment of the delinquent, be published in the newspapers, in and about the camp, and of the particular State from which the offender came, or where he usually resides; after which it shall be deemed scandalous for an officer to associate with him.

Where the number of officers is not adequate to form a General Court-martial, the commanding officer of the detachment, etc., to report to the commanding officer of the department, who shall order a court to be assembled at the nearest post or detachment, and the party accused, with necessary witnesses, to be transported to the place where the said court shall be assembled.

ART. 86. . . . The commanding officer of any post or detachment, in which there shall not be a number of officers adequate to form a general court-martial, shall, in cases which require the cognizance of such a court, report to the commanding officer of the department, who shall order a court to be assembled at the nearest post or detachment, and the party accused, with necessary witnesses, to be transported to the place where the said court shall be assembled.

No person shall be sentenced to suffer death, but by the concurrence of two-thirds of the members of a general court-martial, nor except in the cases herein expressly mentioned; *nor shall more than fifty lashes be inflicted on any offender, at the discretion of a court-martial*; and no officer, non-commissioned officer, soldier, or follower of the army, shall be tried a second time for the same offence.

ART. 87. . . . No person shall be liable to be tried and punished by a general court-martial for any offence which shall appear to have been committed more than two years before the issuing of the order for such trial, unless the person, by reason of having absented himself, or some other manifest impediment, shall not have been amenable to justice within that period.

ART. 88. . . . No person shall be liable to be tried and punished by a general court-martial for any offence committed more than two years before, unless, etc.

Every officer authorized to order a general court-martial, shall have power to pardon or mitigate any punishment ordered by such court, except the sentence of death, or of cashiering an officer; which, in the

* So much of these rules and articles as authorize the infliction of corporal punishment by stripes or lashes, was specially repealed by act of 19th May, 1812. By act of 24 March, 1833, the repealing act was repealed, so far as it applied to the crime of desertion, which of course, revived the punishment by lashes for that offence—
“G. Nos. 3 and 4, of this Appendix.)

cases where he has authority (by Article 65) to carry-mitigate any punishment, etc., them into execution, he may suspend, until the pleasure of the President of the United States can be known; which suspension, together with copies of the proceedings of the court-martial, the said officer shall immediately transmit to the President for his determination. And the Colonel or commanding officer of the regiment or garrison, where any regimental or garrison court-martial shall be held, may pardon or mitigate any punishment ordered by such court to be inflicted.

The Colonel, etc. of a regiment or garrison, etc. may pardon or mitigate, etc.

ART. 90. . . . Every judge-advocate, or person officiating as such, at any general court-martial, shall transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such court-martial, to the Secretary of War; which said original proceedings and sentence shall be carefully kept and preserved in the office of said Secretary, to the end that the persons entitled thereto may be enabled, upon application to the said office, to obtain copies thereof.

Judge-advocates etc., to transmit, as expeditiously as possible, the original proceedings and sentences of General courts-martial to the Secretary of War, in whose office they shall be preserved.

The party tried by any general court-martial, shall, upon demand thereof, made by himself, or by any person or persons in his behalf, be entitled to a copy of the sentence and proceedings of such court-martial.

The party tried by Genl Court-martial entitled to a copy of the sentence, etc.

ART. 91. . . . In cases where the General or commanding officer may order a court of inquiry to examine into the nature of any transaction, accusation, or imputation, against any officer or soldier, the said court shall consist of one or more officers, not exceeding three, and a judge-advocate, or other suitable person, as a recorder, to reduce the proceedings and evidence to writing, all of whom shall be sworn to the faithful performance of their duty. This court shall have the same power to summon witnesses as a court-martial, and to examine them on oath. But they shall not give their opinion on the merits of the case, excepting they shall be thereto especially required. The parties accused shall also be permitted to cross-examine and interrogate the witnesses, so as to investigate fully the circumstances in the question.

Where the General, etc., may order a court of inquiry, etc., the court to consist of not exceeding 3, and a Judge-advocate, etc., to be sworn, etc.

Courts of inquiry to have the same power as courts-martial to summon witnesses, etc., but are not to give an opinion, unless specially required, etc.

ART. 92. . . . The proceedings of a court of inquiry must be authenticated by the signature of the recorder and the president, and delivered to the commanding officer, and the said proceedings may be admitted as evidence by a court-martial, in cases not capital, or extending to the dismissal of an officer, provided that the circumstances are such that oral testimony cannot be

Proceedings of courts of inquiry to be authenticated by the signatures of the recorder and president, etc., and may be admitted as evidence by

courts-martial in cases not capital, etc., provided, etc.

Courts of inquiry prohibited, unless directed by the President of the United States, or demanded by the accused.

Judge-advocate, etc., to administer oath, etc.

ART. 93. . . . The judge-advocate, or recorder, shall administer to the members the following oath :

Form of oath. " You shall well and truly examine and inquire, according to your evidence, into the matter now before you, without partiality, favor, affection, prejudice, or hope of reward. So help you God."

The president of the court to administer oath. After which the President shall administer to the judge-advocate, or recorder, the following oath :

Form of Judge-advocate's oath. " You, A. B., do swear, that you will, according to your best abilities, accurately and impartially record the proceedings of the court, and the evidence to be given in the case in hearing. So help you God."

Witness to take the oath, etc. The witnesses shall take the same oath as witnesses sworn before a court-martial.

When a commissioned officer dies, etc., the Major of the regiment, etc., immediately to secure all his effects, etc., make an inventory, and transmit it to the War Department, etc.

ART. 94. . . . When any commissioned officer shall die or be killed in the service of the United States, the Major of the regiment, or the officer doing the Major's duty in his absence, or in any post or garrison, the second officer in command, or the Assistant Military Agent, shall immediately secure all his effects or equipment, then in camp or quarters, and shall make an inventory thereof, and forthwith transmit the same to the office of the Department of War, to the end that his executors or administrators may receive the same.

When a non-commissioned officer or soldier dies, etc., the commanding officer of troop, etc., is to take an account of what effects he died possessed of, etc., and transmit it to Department of War, etc., and the effects to be accounted for, etc.

ART. 95. . . . When any non-commissioned officer of soldier shall die or be killed in the service of the United States, the then commanding officer of the troop or company shall, in the presence of two other commissioned officers, take an account of what effects he died possessed of, above his arms and accoutrements, and transmit the same to the office of the Department of War, which said effects are to be accounted for, and paid to the representatives of such deceased non-commissioned officer or soldier. And in case any of the officers so authorized to take care of the effects of deceased officers and soldiers, should, before they have accounted to their representatives for the same, have occasion to leave the regiment or post, by preferment or otherwise, they shall, before they be permitted to quit the same, deposit in the hands of the commanding officer, or of the Assistant Military Agent, all the

In case officers authorized to take care of the effects of deceased officers and soldiers, have occasion to leave the regiment, etc., they are to de-

effects of such deceased non-commissioned officers and soldiers, in order that the same may be secured for, and paid to, their respective representatives.

ART. 96. . . . All officers, conductors, gunners, matrosses, drivers, or other persons whatsoever, receiving pay or hire in the service of the artillery or corps of engineers of the United States, shall be governed by the aforesaid Rules and Articles, and shall be subject to be tried by courts-martial, in like manner with the officers and soldiers of the other troops in the service of the United States.

ART. 97. . . . The officers and soldiers of any troops, whether militia or others, being mustered and in pay of the United States, shall at all times and in all places when joined or acting in conjunction with the regular forces of the United States, be governed by these Rules and Articles of War, and shall be subject to be tried by courts-martial, in like manner with the officers and soldiers in the regular forces; save only that such courts-martial shall be composed entirely of militia officers.

ART. 98. . . . All officers serving by commission from the authority of any particular State, shall, on all detachments, courts martial, or other duty wherein they may be employed in conjunction with the regular forces of the United States, take rank next after all officers of the like grade in said regular forces, notwithstanding the commissions of such militia or State officers may be elder than the commissions of the officers of the regular forces of the United States.

ART. 99. . . . All crimes not capital, and all disorders and neglects which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the foregoing Articles of War, are to be taken cognizance of by a general or regimental court-martial, according to the nature and degree of the offence, and be punished at their discretion.

ART. 100. . . . The President of the United States shall have power to prescribe the uniform of the army.

ART. 101. . . . The foregoing articles are to be read and published once in every six months, to every garrison, regiment, troop, or company, mustered or to be mustered in the service of the United States, and are to be duly observed and obeyed by all officers and soldiers who are, or shall be, in said service.

SEC. 2. . . . And be it further enacted, That in time of war all persons, not citizens of or owing allegiance to the United States of America, who shall be found lurking about

posite the effects in the hands of the commanding officer, etc.

Officers, etc., in the corps of engineers, etc., to be governed by the preceding rules, etc.

Officers and soldiers of any troops, militia, or others, being mustered, etc., when acting with regular forces, to be gov'd by these rules and articles, subject to be tried by C. martial, etc., save that the courts are to be composed of militia officers.

Officers serving by commission from the authority of any particular State, when employ'd in conjunction with the regular forces, to take rank next after all officers of like grade in the regular forces, etc.

All crimes not capital, and all disorders, etc., though not mentioned in preceding articles, to be taken cognizance of by C. martial.

President to prescribe uniform, etc.

The foregoing articles to be read and published once in every six months, to every garrison or regiment, etc.

In time of war, aliens found lurking about

encampments of the armies, to suffer death, etc. ing as spies, in or about the fortifications or encampments of the armies of the United States, or any of them, shall suffer death, according to the law and usage of nations, by sentence of a general court-martial.

The rules and regulations by which the armies have been heretofore governed, to be henceforth void, etc., except, etc. Sec. 3. . . . *And be it further enacted*, That the Rules and Regulations by which the armies of the United States have heretofore been governed, and the resolves of Congress thereunto annexed, and respecting the same, shall henceforth be void and of no effect, except so far as may relate to any transactions under them, prior to the promulgation of this act, at the several posts and garrisons respectively, occupied by any part of the army of the United States.

[APPROVED, April 10, 1806.]

EXTRACTS FROM ACTS OF CONGRESS.

1. . . . If any non-commissioned officer, musician, or private, shall desert the service of the United States, he shall, in addition to the penalties mentioned in the Rules and Articles of War, be liable to serve for and during such a period as shall, with the time he may have served previous to his desertion, amount to the full term of his enlistment; and such soldier shall and may be tried by a court-martial, and punished, although the term of his enlistment may have elapsed previous to his being apprehended or tried.—*Act 16th March, 1802, Sec. 18.*

2. . . . No officer or soldier in the army of the United States shall be subject to the punishment of death for desertion in time of peace.—*Act 29th May, 1830.*

3. . . . So much of the "act for establishing Rules and Articles for the government of the armies of the United States," as authorizes the infliction of corporeal punishment by stripes or lashes, shall be, and the same is hereby, repealed.—*Act 16th May, 1812, Sec. 7.*

4. . . . The seventh section of the act entitled "an act making further provision for the army of the United States," passed on the sixteenth of May, one thousand eight hundred and twelve, shall be, and the same is hereby, repealed, so far as it applies to any enlisted soldier who shall be convicted by a general court-martial of the crime of desertion.—*Act 2d March, 1833, Sec. 7.*

5. . . . Whenever a general officer commanding an army, or a Colonel commanding a separate department, shall be the accuser or prosecutor of any officer in the army of the United States, under his command, the general court-martial for the trial of such officer shall be appointed by the President of the United States.—*Act 29th May, 1830, Sec. 1.*

6. . . . The proceedings and sentence of the said court shall be sent directly to the Secretary of War, to be by him laid before the President, for his confirmation or approval, or orders in the case.—*Act 29th May, 1830, Sec. 2.*

7. . . . So much of the sixty-fifth article of the first section of "an act for establishing Rules and Articles for the government of the armies of the United States," passed on the tenth of April, eighteen hundred and six, as is repugnant hereto, shall be, and the same is hereby, repealed.—*Act 29th May, 1830, Sec. 3.*

Whenever a general court-martial shall be ordered, the President of the United States may appoint some fit person to act as judge-advocate, and in cases

where the President shall not have made such appointment, the Brigadier-General, or the president of the court, may make the same.—*Act 16th March, 1803, Sec. 12.*

9.... "That it shall be the duty of the Quartermaster's department, in addition to its present duties, to receive from the Purchasing department, and distribute to the army of the United States, all clothing and camp and garrison equipage required for the use of the troops; and it shall be the duty of the Quartermaster-General, under the direction of the Secretary of War, to prescribe and enforce, under the provisions of this Act, a system of accountability for all clothing and equipage issued to the Army.

"That every Captain, or commander of a company, detachment, or recruiting station, or other officer, who shall have received clothing or camp equipage for the use of his command, or for issue to the troops, shall render to the Quartermaster-General, at the expiration of each regular quarter of the year, quarterly returns of such supplies, according to the forms which may be prescribed, accompanied by the requisite vouchers for any issues that shall have been made; which returns and vouchers, after due examination by the Quartermaster-General, shall be transmitted for settlement to the proper office of the Treasury Department.

"That it shall be the duty of all officers charged with the issue of clothing, or other supplies, carefully to preserve the same from waste or damage; and, in case of deficiency, on final settlement, of any article of supplies, the value thereof shall be charged against the delinquent, and deducted from his monthly pay, unless he shall show, to the satisfaction of the Secretary of War, by one or more depositions setting forth the circumstances of the case, that the said deficiency was occasioned by unavoidable accident, or was lost in actual service, without any fault on his part; and, in case of damage, he shall also be subject to charge for the damage actually sustained, unless he shall show, in like manner, to the satisfaction of the Secretary of War, that due care and attention were given to the preservation of said supplies, and that the damage did not result from neglect."

[APPROVED, 18th May, 1836.]

10.... "That if any person shall sell, exchange, or give, barter or dispose of, any spirituous liquor or wine to an Indian (in the Indian country), such person shall forfeit and pay the sum of five hundred dollars; and if any person shall introduce, or attempt to introduce, any spirituous liquor or wine into the Indian country, except such supplies as shall be necessary for the officers of the United States and troops of the service, under the direction of the War Department, such person shall forfeit and pay a sum not exceeding three hundred dollars; and if any superintendent of Indian affairs, Indian agent, or sub-agent, or commanding officer of a military post, has reason to suspect, or is informed, that any white person or Indian is about to introduce, or has introduced, any spirituous liquor or wine into the Indian country, in violation of the provisions of this section, it shall be lawful for such superintendent, Indian agent, or sub-agent, or military officer, agreeably to such regulations as may be established by the President of the United States, to cause the boats, stores, packages and places of deposit of such person to be searched, and if any such spirituous liquor or wine is found, the goods, boats, packages, and peltries of such persons shall be seized and delivered to the proper officer, and shall be proceeded against by libel in the proper court, and forfeited, one half to the use of the informer, and the other half to the use of the United States; and if such person is a trader, his license shall be revoked and his bond put in suit. And it shall moreover be lawful for any person in the service of the United States, or for any Indian, to take

and destroy any ardent spirits or wine found in the Indian country, excepting military supplies as mentioned in this section."—*Act 30th June, 1834, Sec. 20.*

11.... "That if any person whatever shall, within the limits of the Indian country, set up or continue any distillery for manufacturing ardent spirits, he shall forfeit and pay a penalty of one thousand dollars; and it shall be the duty of the superintendent of Indian affairs, Indian agent, or sub-agent, within the limits of whose agency the same shall be set up or continued, forthwith to destroy and break up the same; and it shall be lawful to employ the military force of the United States in executing that duty."—*Act 30th June, 1834, Sec. 21.*

12.... "That the twentieth section of the 'act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers,' approved June thirtieth, eighteen hundred and thirty-four, be, and the same is hereby so amended, that, in addition to the fines thereby imposed, any person who shall sell, exchange or barter, give, or dispose of, any spirituous liquor or wine to an Indian, in the Indian country, or who shall introduce, or attempt to introduce, any spirituous liquor or wine into the Indian country, except such supplies as may be necessary for the officers of the United States and the troops of the service, under the direction of the War Department, such person, on conviction thereof, before the proper district court of the United States, shall in the former case be subject to imprisonment for a period not exceeding two years, and in the latter case not exceeding one year, as shall be prescribed by the court, according to the extent and criminality of the offence. And in all prosecutions arising under this section, and under the twentieth section of the act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers, approved June thirtieth, eighteen hundred and thirty-four, to which this is an amendment, Indians shall be competent witnesses."—*Act 3d March, 1847, Sec. 2.*

13.... "That no annuities, or moneys, or goods, shall be paid or distributed to the Indians while they are under the influence of any description of intoxicating liquor; nor while there are good and sufficient reasons for the officers or agents, whose duty it may be to make such payments or distribution, for believing that there is any species of intoxicating liquor within convenient reach of the Indians; nor until the chiefs and head men of the tribe shall have pledged themselves to use all their influence, and to make all proper exertions, to prevent the introduction and sale of such liquor in their country."—*Act 3d March, 1847, Sec. 3.*

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